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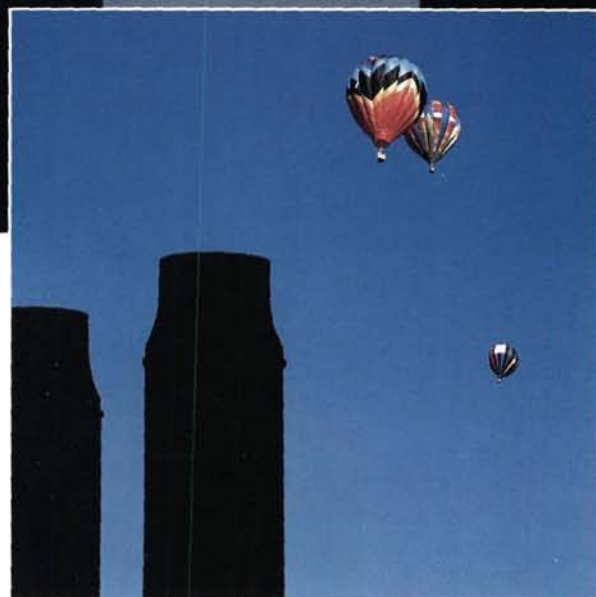
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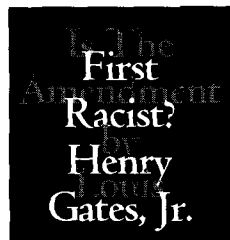
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WASHINGTON, D.C.

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CORRESPONDENCE

Family feud

To the editors:

As Ruth Shalit points out, many different socioeconomic and personal trends, with diverse and sometimes diametrically opposed origins, are subsumed under the heading of "the" family crisis ("Family-Mongers," August 16). The issue is not, as Ann Hulbert implies ("Home Repairs," August 16), that family historians such as myself are "disenchanted" with or wish to "discredit" the two-parent nuclear families that these groups all claim to defend. A stable, two-parent family based on love and commitment can be a wonderful thing. But romanticization of nuclear families helps no one. The historical tendency of welfare policies to break up families resulted from just such romanticization: welfare architects were so enchanted with the two-parent model that they assumed a father-present family would need no aid and should therefore be made ineligible for it.

Today, as well, the supposed new consensus that "on average" an intact, two-

parent family is best leads to dangerous overgeneralizations and simplistic recommendations. Averages make good sound bites, but bad policy. They encourage preconceived notions that a particular intact two-parent family *does* have a responsible, caring mother and father, or that a particular single-parent or reconstituted family does *not* have alternative strengths. In fact, contrary to Hulbert, there is not expert consensus that the two-parent family is "the only reliable prescription" for the "success and happiness" of children, as anyone can find by consulting such respected researchers as Frank Furstenburg, Elaine Blechman, Susan Krantz, Constance Ahrons, Frank Mott and the National Council on Family Relations.

People end up in "non-traditional" families or gender roles for many different reasons, and their experiences produce widely divergent outcomes. Of course divorced families are more likely to have problems than intact ones; families with problems are more likely to get divorced. But when researchers distinguish between frequently co-existing yet causally distinct factors such as financial loss, prior parental conflict, school relocation and social prejudices, it is those factors, not single parenthood per se, that are the most damaging to children.

Of course children benefit from the involvement of a caring father, but they're obviously better off for the absence of an abusive one, and let's not forget that paternal absence has been the norm in many "traditional" two-parent families. Some therapists argue that emotional absence, more ambiguous than physical loss, may be harder to grieve, causing difficulties that show up much later in life than the disruptions caused by divorce.

Simplistic formulas for strengthening "the" family do not provide constructive guidelines for the 1990s. The challenge is not to come up with abstract endorsements or indictments of "the family" but to develop policies and values that help maximize the strengths and minimize the weaknesses that are found in every family.

STEPHANIE COONTZ
Olympia, Washington

To the editors:

Ruth Shalit's piece understates the problems facing middle-class families and suggests, incorrectly, that Elaine Kamarck and I have nothing much to say about the problems of poor and underclass families. Yes, the divorce rate has come down a bit from the peak registered in the mid-1980s. But it's still two-and-a-half times as high as it was a generation ago. A substantial body of research suggests that all too often, divorce undercuts the economic, educational and emotional well-being of children. It is these facts, not "middle-class anxiety," that led us to focus our analysis and recommendations on family structure as well as the economic context in which families must function.

As for the underclass: it is preposterous to claim that we downplayed soaring out-of-wedlock births. In *Mandate for Change* we set forth at length recent research on this trend. We showed that it is responsible for a substantial and increasing portion of child poverty. And we stated that "the President should use the full force of his office to wage an all-out campaign against teenage pregnancy." Indeed, for emphasis, we deliberately placed that recommendation first. We went on to advocate family preservation programs, one of the most promising new strategies for families under severe stress. Against daunting odds, the president fought for, and achieved, the inclusion of such programs in his five-year budget plan.

The Clinton administration is serious about the problems of all families, not just the middle class. The dramatic expansion of the Earned Income Tax Credit represents a major step toward the abolition of working poverty. And as part of its comprehensive deliberations, the welfare reform working group is considering a wide range of options for reduc-

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A T B O O K S T O R E S N O W

ing teen pregnancy and out-of-wedlock births.

The administration is determined to break through decades of sterile ideological debate and put in place a family strategy that emphasizes personal responsibility as well as social policy. I do not understand why TNR has chosen to launch an assault against members of the administration who have worked for years to promote honest, non-euphemistic discussion of these issues within the Democratic Party.

WILLIAM A. GALSTON
*Deputy Assistant to the President
for Domestic Policy
Washington, D.C.*

Flight delays

To the editors:

In his review of Douglas Massey and Nancy Denton's *American Apartheid* ("A Tale of Two Cities," August 2), Nathan Glazer argues against racial prejudice as the primary cause of massive segregation. In place of "the more traditional and irrational sources of prejudice," there emerged "something with a basis in reality," specifically fears of black crime and the decline in property values in predominantly black neighborhoods.

These are commonplace explanations of white flight (voiced often by fleeing whites themselves), but they have no necessary basis in reality. Glazer bases his argument on assertions that he cannot prove, and he confuses cause and effect. Glazer's first mistake is his assumption that blacks moving into white neighborhoods are prone to commit crimes. In fact, most black pioneers—the first to move into white neighborhoods—have had comparable incomes or have been better off than the whites who fled. Only blacks with high incomes and stable employment could afford houses in most white neighborhoods. Fleeing whites assumed—irrationally—that all blacks, regardless of class, are prone to crime.

On the matter of property values, Glazer is right that over the long run property values did indeed drop in many all-black neighborhoods. All too often, as he notes, "crime increased, schools declined and the public sphere was neglected." But the increase in black population did not itself lead to urban decline. Instead, it was the flight of whites, their institutions, businesses and tax dollars that weakened cities. In stable, integrated neighborhoods like mine (Mount Airy in Philadelphia), housing prices have risen dramatically since the 1960s at a rate comparable or greater to that in nearby all-white communities. Had whites fled in droves when blacks moved in, the

story would have been different.

THOMAS J. SUGRUE
Philadelphia, Pennsylvania

Panel discussion

To the editors:

John B. Judis's screed on flat panel displays ("Flat Panel Flop," August 9) overlooks a number of inconvenient facts.

None of the American companies seeking tariff protection was able to produce flat panel displays in commercial quantities. A commercial-quantity active-matrix flat-panel factory costs upward of \$1 billion. A few tens of millions from ARPA doesn't fix that. The Japanese have invested many billions in active-matrix displays over the years and still can't

profitable); use memory chips and displays from Asian firms (profits on either are unusual); and are designed and sold by American companies, some of which, like Compaq and Hewlett-Packard, are doing fine.

One doesn't have to be a neoconservative to doubt the wisdom of handicapping, say, the highly successful Apple Powerbook laptop to protect a few government-funded start-ups. That's why even some liberals worry about "managed trade."

CHARLES R. MORRIS
New York, New York

Kludge

To the editors:

I read Robert Shapiro's article on health-care reform ("Bitter Pill," August 16) and was surprised to find myself agreeing with many of his points. His proposed reform, however, seemed like a kludge. Shapiro argues, for example, for a complex system of taxing employees for health care benefits and limiting their deductibility by employers to "enable something like a genuine insurance marketplace to emerge." Why not just let a competitive insurance marketplace emerge by taxing employees fully on their health benefits? Without the distortions of the current tax code, people would have a much greater incentive to obtain insurance only for extraordinary medical expenses, paying the rest out of their own pocket. Individuals would reduce their own health expenditures to save money; providers would lower their costs and prices when faced with individual consumers who are much more price sensitive than their insurers ever could be.

Shapiro also states that under his proposed system, insurers selling to purchasing cooperatives would not be allowed to charge higher prices to people with pre-existing conditions. But wouldn't this have the unintended effect of discouraging healthy people on the margin from not purchasing insurance? Because the price of insurance would have to cover the cost of treating these pre-existing conditions, some individuals would forgo insurance. Thus, even after paying the price of a less efficient insurance system, the country would be no closer to coverage for everyone.

If we want to unleash market forces, why set up an elaborate government mechanism in the form of heavily regulated purchasing cooperatives? Why not minimize government involvement in health care by reforming the tax code and eschewing other new initiatives?

DOUGLAS W. ANDERSON
Chicago, Illinois



make the things at a profit. (Skeptical U.S. venture capitalists were neither crazy nor short-sighted.) IBM, in a joint venture with Toshiba, is the only American company with commercial-scale technology. What were Apple and Compaq to do? Leave the laptop business to NEC?

The notion of selling "below cost" is almost meaningless in semiconductor manufacturing. The cost and risk is incurred when the factory is built. The marginal cost of each new flat panel or semiconductor is relatively trivial. A sale at almost any price is therefore profitable at the margin. Average-cost calculations produce absurd results.

Judis might note that Japanese computers have almost no market presence in America, while Compaq, Dell and Apple are aggressively attacking the Japanese market. The vast majority of the world's microcomputers use software and microprocessors from American companies like Microsoft and Intel (both hugely

TRB[®]

FROM WASHINGTON

The envelope, please

In the mail, a broadside from the Heritage Foundation. Nothing special about that. Like many Washington journalists, I get two or three missives a day from Washington's leading conservative "think tank." They come in a profusion of categories, with somewhat less variety in themes: Heritage Foundation News ("ECONOMIST CALLS CLINTON ECONOMIC PLAN DISHONEST, DECEPTIVE"); Heritage Foundation Backgrounder ("ADVANTAGE INCUMBENTS: CLINTON'S CAMPAIGN FINANCE PROPOSAL"); Issue Bulletin ("SIX REASONS WHY BILL CLINTON'S NATIONAL SERVICE PROGRAM IS A BAD IDEA"); Executive Memorandum

("RUSH! HUMAN RIGHTS TREATY POSES DANGERS FOR AMERICA"); Backgrounder Update ("MESSAGE TO CONGRESS: STOP SUBSIDIZING SANDINISTA TERRORISM"); State Backgrounder; SDI Report; Policy Review; Heritage Lectures; etc. etc. etc.

Yes, get on the Heritage Foundation mailing list and you'll never be lonely, although the conversation may get a little monotonous. But there is one puzzling thing about my most reliable correspondent. Almost every mailing from the Heritage Foundation contains an odd little disclaimer at the bottom of the first page. "Note: Nothing written here is to be construed . . . as an attempt to aid or hinder the passage of any bill before Congress."

Oh, really? "THE NATIONAL COMPETITIVENESS ACT (S.4): A HIGH-TECH BOON-DOGGLE"? "FIFTEEN REASONS WHY THE CLINTON TAX PACKAGE IS BAD FOR AMERICA'S FUTURE"? "THE HOUSE BUDGET RECONCILIATION BILL: MAKING A BAD BUDGET EVEN WORSE"? If anyone but the Heritage Foundation itself were to assert that these were not intended to hinder the passage of a bill before Congress, I would find it hard to believe. And what about "FIVE-DAY WAITING PERIOD URGED ON CONGRESSIONAL SPENDING

BILLS," which seems to be an attempt to hinder the passage not just of one bill but of all of them?

There is actually no mystery. The Heritage Foundation is a tax-exempt institution, and contributions to it are also tax-exempt. The law specifically warns that "carrying on propaganda, or otherwise attempting to influence legislation," is verboten.

So it's good to know that the Heritage Foundation is spending \$20 million a year not attempting to influence legislation.

That raises the question, What is it attempting to do? The law limits tax-exempt institutions to certain high-minded purposes.

Is the Heritage Foundation attempting "to foster national or international amateur sports competition" or "the prevention of cruelty to children or animals"? I think not. Perhaps its purpose is "literary": to make sur-

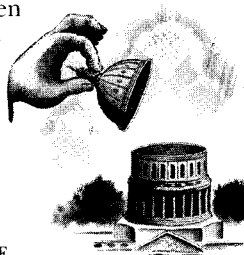
realistic comment on the absurdity of modern life. A piece of paper that says at the top, "H.R. 73 MUST DIE!" and says at the bottom that it is not intended to aid or hinder legislation before Congress is rather like Magritte's famous painting of a pipe, labeled "Ceci n'est pas une pipe."

When I read the Heritage disclaimer to former IRS Commissioner Sheldon Cohen, he said, "Methinks the lady doth protest too much." But Cohen and others agree that Heritage is probably within the law as interpreted by IRS regulations. The rule seems to be that you can say anything you wish about a piece of legislation without losing your tax exemption, as long as you don't urge a vote for or against it. "They're standing there with their shoes touching the line," says Cohen. But the question remains why anyone should believe anything else in a Heritage hand-out when there's an obvious whopper on the bottom of the first page.

Other Washington think tanks, which are also tax-exempt, don't print any such this-is-not-propaganda disclaimer on their propaganda. But then no other Washington think tank goes as far as Heritage in blurring the distinction between a genuine educational institution (for which the tax exemption was designed) and an out-and-out propaganda machine.

On some of its mailings, the Heritage Foundation subtiles itself, "A Tax-Exempt Public Policy Research Institution." But according to its most recent annual report, Heritage spends just 45 percent of its annual budget on research. Thirty-seven percent goes to "marketing"—which includes stuffing journalists' mailboxes—13 percent goes to fund-raising and 5 percent goes to management. Somehow, though, "A Tax-Exempt Public

continued on page 57



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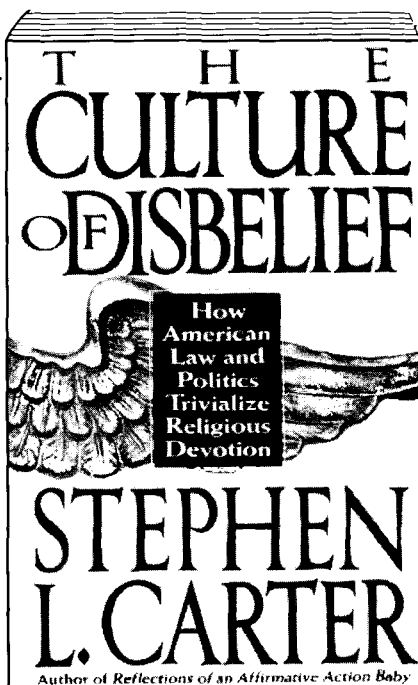
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SEPTEMBER 20 & 27, 1993

THE GAMBLE

The conflict between Israelis and Palestinians has not been kind to optimists and idealists. It has been a long and bitter triumph of experience over hope. And yet its costs have been too great to permit either Israelis or Palestinians to subside into fatalism. For this reason, the agreement between Israel and the PLO worked out discreetly in Oslo, while the movers and the shakers in Washington believed that the action was here, is already a momentous achievement, and a little hard to believe.

What happened in Oslo was, really, a Palestinian acceptance of Camp David. This is glad news and sad news: glad, because Camp David remains the most responsible and the least rattling framework for a solution to this spectacularly stubborn problem; and sad, because the PLO could have had the same framework fifteen years ago and spared everybody a great quantity of pain. At Camp David, indeed, they would have gained autonomy for all of the West Bank and Gaza. Now, in a condition of unprecedented weakness, deprived of the attention of the world and the money of their Arab benefactors, threatened by the emergence of an indigent leadership on the West Bank and a fundamentalist leadership in Gaza, helpless before a separate peace between Israel and Syria, and sullenly watching the immigration of Jews from the former Soviet Union destroy, or blunt, the demographic danger that the Palestinians posed to Israel, Yasir Arafat is taking what he can get.

There is wisdom, when your people are wretched, in taking what you can get. That is how the Zionists secured the future of the Jews. If the PLO really has chosen security over ideology, and politics over rage, then the Oslo accord has a chance. And the Rabin government, too, will be remembered by historians for its high pragmatism, for seizing an opportunity to test the possibility of peace for its own people, for standing up to the chiliasts and the fear-mongers and the cynics of the Israeli right, who had fifteen years to deal with the problem their way and miserably failed. The Israelis must now demonstrate that they can manage their fears, many of which have a basis in reality. And the Palestinians must now show that their skill for institution-building is more highly prized by them than their skill for sectarianism and "revolutionary" violence.

The Israeli army will withdraw from the Gaza Strip

and from the area around Jericho, and the Palestinians will begin a five-year period of autonomy, and prepare for a negotiation on the final status of all the territories and on what, finally, their borders will include, which will begin in the third year of the period of autonomy. And the Palestinian concessions? All matters of security in the autonomous Palestinian regions will remain in Israeli hands, and the PLO defers its claim on Jerusalem. But a Palestinian recognition of Israel and a Palestinian renunciation of terrorism, those simple declarative sentences for which Israel has longed, were not demanded during the first round at Oslo. This is bizarre. The Israeli government cannot proceed along this tricky and controversial path unless it can assure the Israeli public of such Palestinian reforms. They are not material concessions, but they are not immaterial either; they go to the heart of the conflict. Verify, but trust.

The Oslo accord treats Gaza and the West Bank as "a single territorial unit whose integrity will be preserved during the interim period." If this means that Israel will not annex territory during the next five years, it also means that this "unit" does not prefigure the final size or the final shape of a Palestinian polity. Nor is that all. Questions about Gaza will be answered in Gaza (Can the secular Palestinian leadership beat back the militant Islamic forces there? Do the Palestinian masses there accept Arafat's leadership? Will the PLO be willing to use force to keep order there?), but questions about the West Bank will not be answered in Jericho. It is an unrepresentative place that sits quietly in the desert along the arid, quiet Jordanian border, unroiled by Palestinian refugees and unprovoked by Israeli settlers, and reached only by a few easily controlled roads. Trouble in Jericho may be met by Israeli troops with even less effort than marching around the city seven times. It is in the urban centers of the West Bank, in Nablus, in Hebron, in Jenin, that Palestinian politics will be tested. For that reason, perhaps, it was wise not to begin there; but for that reason, too, Jericho is only a beginning.

In this punished region, however, beginnings are hard, and even those who remember history are condemned to repeat it. And so, many times disabused of hopes for peace, we watch this beginning with hope. •



NOTEBOOK

LOVE IN D.C.: "6:20 p.m. I've just rushed home from my job with a politically-correct-but-market-oriented organization to get ready for my dream date with George. The Farragut West Metro stop was an absolute zoo. Thank God I'm not just schlepping off to the Virginia suburbs like all the rest of the commuters (eek!). Luckily, I have time to get ready since George is so hard-working; the earliest he can take off is 8:00 p.m.

7:20 p.m. After taking a much-needed shower—this is Washington in the summer after all—I spritz myself with Coco Chanel.... Then I take my wonderful teal gabardine Armani skirt suit out of its protective plastic bag.... 7:45 p.m. I'm alternately watching MacNeil-Lehrer and Murphy Brown (my infatuation with George was preceded by a twisted fascination with the fictional Miles Silverberg).... 8:07

p.m. George arrives, a tad late. 'Big NAFTA meeting,' he confides, chastely-but-excitingly kissing me on the cheek.... 9:20 p.m. George notices the copy of Thucydides' *Peloponnesian Wars* in my shoulder bag (I'd been skimming it for info on his ancestral birthplace). Talk turns to Greece and suddenly we're involved in a scintillating conversation about *Lysistrata*, by Aristophanes. Is he dropping hints? I wonder." —from "My Dream Date With George" by Leticia Maldonado, in the inaugural issue (June-July 1993) of "Stephanopouletter," the official newsletter of the George Stephanopoulos Fan Club

AND THE BAND PLAYS ON: "The Morning Party," an all-day, primarily gay, beach dance-party that takes place annually on Fire Island, was devoted this year, as in years past, to raising money for a worthy cause: the Gay Men's Health Crisis. The organization does pioneering work for people with HIV and AIDS and is

among the best groups of its kind in the country. The event, which was glowingly written up in *The New York Times*, and whose program had letters of support from Mayor David Dinkins and Governor Mario Cuomo, raised more than \$600,000. Odd, then, that an event sponsored by a health organization should be so bad for the health of many attending it. So bad, in fact, that GMHC actually printed a pamphlet spelling out the consequences that the party, which is heavily geared toward drug use, could have for the partiers, especially those with impaired immune systems. The following is taken from the pamphlet, GMHC's attempt both to manage the event and disclaim responsibility for its consequences:

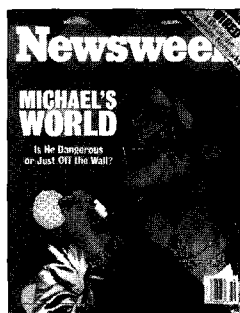
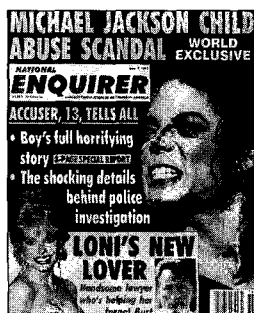


Consider the following information when deciding whether or not you're going to take drugs: Ecstasy... is popular among many today for use while dancing in clubs—or on the beach.... When you use it, barriers disappear and you feel less inhibited. Don't let a latex barrier disappear in the process.... [Ecstasy] also causes a rise in body temperature, so it's important to stay cool—something difficult

to do when you're dancing for hours in the sun.... 'K' (ketamine) is a 'dissociative anaesthetic' with 'analgesic' properties. This means that it removes you from reality and yourself—just what you'd expect from a horse tranquilizer.... As with Ecstasy, little is known about the long-term effects of 'K' or its interaction with HIV.... If you see people who are visibly too high heading toward the surf, keep an eye on them, go with them or bring them to the attention of a GMHC volunteer.... If your drinking or drug-ging is getting you wasted or out of control, you may be destroying your ability to protect yourself and your partner. When you have sex on alcohol or any party drug—Ecstasy, 'K' or cocaine—use a condom.

LABOR DAY: This is a double issue (our last one before Christmas). The editors will spend their week off reading Al Gore's treatise on reinventing government and the small print of the NAFTA side agreements. Nobody said neoliberalism was going to be easy.

IT'S A COMPETITIVE WORLD:



NIGHT TRIPPER

Two of America's More Beloved Obsessions Compared and Contrasted

LATE NIGHT TALK SHOW MANIA	DRUGS
<i>endless cover stories</i>	<i>bad trips</i>
staying up far later than you should just to be part of the in-crowd	passing out behind the Tastee-Freez
<i>reliving monologues at work the next day</i>	<i>showing up stoned for English class</i>
David Letterman	might tell you paranoia-inducing things while you were out of it; disturbing
Jay Leno	would try too hard to please you; would induce paranoia
Arsenio Hall	would be overly fawning to you; would induce paranoia
Chevy Chase	might make you feel like you're time warping back to the '70s; disorienting
Conan O'Brien	unknown substance; might freak you out
Ed Sullivan Theater	Ed Sullivan would be a very freaky person to encounter while on drugs
Larry "Bud" Melman	ditto
<i>seemingly endless hours upon hours of hosts and shows</i>	<i>listening to Pink Floyd's Dark Side of the Moon over and over and over</i>
Stupid pet tricks	blowing smoke in your dog's face
Stupid human tricks	"I can fly!"
T.V. snacks	munchies; buying ten-packs of Skittles at 7-Eleven
<i>second showing of MacNeil/Lehrer</i>	<i>Nyquil</i>
Larry Sanders	reality
DOUGLAS COUPLAND	

The smearing of Morton Halperin.

MORTIFICATION

By Jacob Weisberg

Now that he's back from his vacation, Bill Clinton can expect confirmation trouble once again. This time the fuss is over Morton Halperin, nominated to fill the new position of assistant secretary of defense for democracy and peacekeeping. Conservatives, sensing Borkability, are gearing up for a fight they hope will damage the president, regardless of the outcome. But unlike Lani Guinier, against whom there was a substantive case, or Sheldon Hackney, against whom there was at least a plausible one, Halperin bears no resemblance to the portrait of a dangerous subversive his enemies have constructed.

In Washington all it takes sometimes is a single fax machine. And the accusations against Halperin have emanated entirely from the very busy fax machine of Frank Gaffney. Gaffney has characterized Halperin's views on national security as "bizarre," "extreme" and "associated with the radical left's agendas." This is wildly erroneous and, coming from one whose own views are somewhat bizarre and certainly extreme, a little amusing. Halperin is a distinguished defense intellectual who worked during the Vietnam War in Robert McNamara's Pentagon and Henry Kissinger's National Security Council. A civil libertarian, he headed the Washington office of the ACLU for eight years. He has written much on strategic subjects, on the conflict between government secrecy and individual freedom and on how to strike a balance between the two. (Some of his writings have appeared in *TNR*.) Halperin also supported the use of American force against Iraq (though as a director of the ACLU he did not take a public stand), and has argued—to the chagrin of the left—that covert aid to the contras in Nicaragua and the mujaheddin in Afghanistan was constitutional once it was approved by Congress.

In *The Washington Times*, Gaffney writes that Halperin "has not held government office since he left government in the early 1970s after playing a role in the unauthorized publication of classified documents that became known as 'the Pentagon Papers.'" This is a multiple dishonesty. As a Defense Department official, Halperin supervised the government's internal production of the Pentagon papers. It was Halperin's copy, on deposit at the RAND Corporation, where he was a consultant, that was leaked by Daniel Ellsberg, an employee with top-secret clearance. But it was Henry Rowen, RAND's president, who granted Ellsberg access to the

document, not Halperin. Gaffney adds innuendo to false statement by implying that Halperin's hiatus from the government was somehow related to all this. In a subsequent op-ed in *The Wall Street Journal*, Gaffney notes that "Henry Kissinger suspected Mr. Halperin of leaking sensitive information to the press and even had his phone tapped." What Gaffney doesn't mention is that Kissinger later testified that nothing from the wiretap cast doubt on Halperin's loyalty (or that of Anthony Lake, whom Kissinger also bugged), and that the former secretary of state has publicly apologized to Halperin.

In another preposterous charge, Gaffney asserts that Halperin has "went so far as to aid and abet Philip Agee and others in their efforts to reveal publicly the identities of American covert operatives." This is nonsense. While Halperin has argued that it violates the First Amendment to prohibit private citizens from disclosing the identities of secret agents, he has always said that doing so is wrong; and, more to Gaffney's point, he has said in the same breath that former government officials like Agee have no such right to do so. Indeed, he has angered many on the old left by stating that the government can punish officials who reveal secrets, and by helping to negotiate the legislation that made such disclosures a crime. Gaffney even goes so far as to claim Halperin wants "to end all government security classification." Halperin contends the government classifies too much (so does Senator Daniel Patrick Moynihan), but he believes that the government has the right (and the need) to classify, and that some information is even "presumptively classified."

Gaffney has more to say, but it's all at this level. He quotes selectively and tendentiously—when he's not actually misquoting—to impute dovish notions that are not Halperin's. He holds Halperin responsible for the views of people defended by the ACLU, but never mentions that under Halperin the organization defended the rights of Oliver North, John Poindexter and Lyn Nofziger too. Nor does he mention that Halperin has been a force of good judgment within the ACLU, arguing that it had no business endorsing the nuclear freeze, for example, even though he personally supported it. Halperin has played a similar role within other liberal groups; he resigned from the board of American Friends of Peace Now when it sided with George Bush on linking loan guarantees for Russian immigrants to ending Israeli settlements in the occupied territories.

Gaffney's propaganda has been disseminated by *National Review* and *Commentary*, among other publications. It has also been picked up by Republican senators on the Armed Services Committee, including Trent Lott and Strom Thurmond. This committee, which will hold hearings on the Halperin nomination in the fall, is the last one a Clinton nominee would care to face. Its Republicans are legendarily right-wing. And its nominal 12-10 Democratic majority is offset by the presence of Sam Nunn and Richard Shelby, two members of the president's party who enjoy nothing so much as seeing him humiliated. These senators have every right to dislike Bill Clinton, but in this instance they have no good reason to fault his choice of a nominee. •

MOSCOW POSTCARD

BARBSKI

By Liesl Schillinger

At the Leningrad Railway Station on a Friday night, you will see the occasional transvestite clattering across stone steps, nervously hitching up his fuchsia stretch skirt; you will see American students with dog-eared copies of *Let's Go*, cramming bottles of champagne into their backpacks and eyeing the departure board uncertainly; you will see commuters rushing to make their trains, running the gauntlet of old men and women lined up selling soda, vodka, pickles and sausages; and you will also notice boys and girls, 10, 11 and 12 years old, hanging around by the archways, looking strangely out of place and in no particular hurry. They lurk in the shadows, squabbling among one another, waiting, Muscovites will tell you, for a man who will pay their ticket for the Red Arrow overnight train to Petersburg and subsidize their next week or two of bread, cigarettes and candy—for a price. Those who climb aboard the sordid joy ride to Petersburg, however, are usually shipped back the following morning, alone, to resume their wait for the next John—or Ivan.

In Russia, where little girls still wear hydrangea-sized tulle bows and old women cluck in protest when adults fail to give their seats to little boys on the subway, children still have more of a claim to childhood than they do in the West; they recite poetry and play games with stones and chalk. But the dawn of capitalism is shortening the golden days of innocence, and child prostitution is only the grimmest after-effect of economic shock therapy. Perhaps more subtly corrosive than the skin trade is the birth of child as wage earner. As families struggle to make ends meet in a country where the currency grows more and more worthless with each passing day, children are assuming a new role as sources of secondary income.

Strolling through the Russian shopping center on the New Arbat, you will see hollow-eyed children, 8 to 16, with malevolent expressions and knuckles raw from fist fights. They beg and intimidate, trying to scrounge money for beer and pizza. Walking through the pedestrian underpass to get to the Arbat metro stop, you come across clusters of scrawny boys, cheeks scuffed with polish, sitting on crates, calling out to passersby for a "shine." I talked to one of them, a 12-year-old with blue eyes and a navy newsboy cap. He was sitting at the bottom of a stairwell when I spotted him, and had just finished with a customer. As I approached, he smiled

and made polishing gestures with his hands, but since my shoes were suede, I shook my head, gave him a few hundred rubles and asked some questions. His name was Igor; he said he made 2,000 rubles on a bad day (\$2), and 7,000 rubles on a good day (\$7)—not bad in a city where people earn 25,000 rubles a month. “Do you go to school?” I asked. “Yes,” he said, looking away, “I go to school.” “So you come here after school?” I pressed. He quirked his head. “Yeah.” He looked like the cover illustration of Horatio Alger Jr.’s book *Ragged Dick*—the story of a young orphan in New York in the middle of the last century who starts by shining shoes and ends up a millionaire. “What do you want to be when you grow up?” I asked Igor. “A bank president,” he said. I laughed, and wished him well, and as I prepared to leave, he stopped me. “Russians pay me a few hundred rubles, but I charge Westerners a dollar,” he said. I paid up.

Certainly, the majority of Russian children have attention lavished on them and do not hold jobs of any kind. Still, even the sheltered ones are not immune to the new cynicism of the times. Schoolchildren once sang the “Sunrise Song”: “May there always be sunshine, may there always be sky, may there always be Mama, may there always be me.” Today, to the same tune, they sing: “May there always be vodka, salted fish and salami, cigarettes in my pocket, and a wife in my suitcase.” When Russian children play hide and seek and tag, they choose who is to be “it” with a haunting chant: “German comes out of the mist; takes a knife out from his pocket; ‘I will cut you, I will beat you, anyway I’m going to *get* you.’” Their parents may be smiling and shaking hands with new German colleagues, but centuries of mistrust survive in the children, the next generation of East-West business partners. And the wariness is not unfounded. The main showroom of Detsky Mir (Children’s World) has been cleared of toys and filled with Porsches, Audis, Mercedes and BMWs. Russian children may not know exactly why, but they sense that their rights to childish things are at risk from the West, even if their country’s borders are not.

Detsky Mir still has toys, but many are priced out of reach. Dendy, a Russian Nintendo variant, costs several months’ salary; imported remote-control toy cars might as well be Lamborghinis. Until two years ago, Russian children did not have Legos, Barbie dolls or My Pretty Pony. They had wooden trains, bears and horses, plastic trucks, big-eyed hard plastic dolls with kerchiefs and aprons and hand-molded plastic toys—including dolls shaped like humanoid onions. “My son wants *transformer* and Gameboy. I will probably buy him this, but most parents can’t,” says Andrei Kasyenko, father of two boys. “Two years ago, we didn’t even know these toys existed.” Now, Russian parents are forced to disappoint their children in ways that were once impossible, and the sign of their failure stares at them from every new street kiosk. “On the street, they sell American chocolate bars and gum, and everywhere the kids cry, ‘Mama, Mama, I want it,’” Kasyenko complains. “And they can’t have it ... there

are so many ads on the T.V. for these things.”

The medium that whips American children into a frenzy is proving no less effective in Russia. The country’s excellent children’s programming is now constantly interrupted for ads: chocolate mallow bars, Coca-Cola, cigarettes and alcohol, clothing and computers. Children figure heavily in the commercials—the better to instill juvenile obsessions and parental guilt. In one ad, a primped and cosseted pair of 5-year-olds giggle as they race through a store, stuffing the cart with luxury items; in another, the same kids exchange a lascivious infantile kiss as they loll in the back of a foreign car, just before another spending spree.

The hottest toys right now—at least for girls—are Mattel’s Barbie and her less expensive Russian imitator, Veronika. Veronika, a bleached-blonde, was an instant success when she hit the stores this year, despite her lack of bendable legs, which cost extra to make. Nastya, 9, is one of the lucky ones who has a genuine Barbie. Her mother rented one room in their two-bedroom apartment to a Westerner, and so can afford to buy her daughter the most popular toys. “My mother got me a Barbie, and it wasn’t even my birthday or anything,” Nastya told me proudly. “Barbie is the most stylish toy, so I have everything I want.” Everything? She thought a while. “Well, I would like the Barbie House, but it is very expensive,” she said. “But I think I’ll get it.” Nastya knows that not all children share her good fortune. “Of course it’s sad when someone else has toys and you can’t have them,” she said. “But that’s just the way it is.”

LIESL SCHILLINGER is a free-lance writer.

WHITE HOUSE WATCH

GORED

By Fred Barnes

Vice President Al Gore had little choice when President Clinton asked him if it was O.K. to bal-lyhoo Gore’s National Performance Review as the White House trolled Congress for votes for Clinton’s budget. Gore said yes. But Clinton was doing him no favor. To neutralize grouching about meager spending cuts in the budget, Clinton insisted “a lot more savings” were in the pipeline. Just wait for Gore’s report. Clinton touted NPR twice to newspaper editors gathered at the White House on August 2. “The vice president’s report on reinventing government ... will have many more suggested budget cuts,” he said. The performance review, the president told Nevada reporters the next day, “will recommend some substantial increases in spending

cuts." The implication of all this: expect zillions in new spending reductions.

Clinton exaggerated at Gore's expense. The vice president's report, while brimming with good ideas for streamlining the federal bureaucracy, can hardly live up to the president's billing. When it is released on September 7 at a White House extravaganza (the full Cabinet in attendance), it will focus on tangible spending cuts in each federal agency and more theoretical savings over a longer period of time. That means billions, but not the minimum of \$100 billion in cuts (over five years) House Republican leaders set as a benchmark in a letter to Gore on August 26. "In the first year, you can't get more than a couple or three billion out of these government reforms," says Representative Tim Penny of Minnesota, a Democrat and NPR enthusiast. Penny says Clinton is up to his usual tricks. "One of Clinton's faults is he oversells and underdelivers. He'd better get down to more realistic rhetoric."

No chance of that. Clinton has been hyping the review since its inception last March. The initiative was inspired partly by David Osborne and Ted Gabler's *Reinventing Government*, which explained how to make bureaucracies more efficient, flexible and competitive. Budget savings were a byproduct of their suggestions, not the chief focus. In announcing NPR on March 3, however, Clinton cited savings first. "Our goal is to make the entire federal government both less expensive and more efficient," he said. "... Cutting spending will be a priority. But so is making the system work better."

From the start, Gore's emphasis has been on performance and efficiency. He imbibed the Osborne-Gabler spirit, and, in fact, Osborne was hired as a consultant, crafting the principles guiding the project and writing some of the report. The review's mantra became, in Gore's words, "creating a government that works better and costs less." Listing the goals in that order makes a difference. "Our purpose has never been primarily spending cuts," Gore told me. Instead, spending cuts "flow out of" the process of modernizing government. "This is about more than finding wasteful spending or inefficiencies to reduce the deficit, though we are going to do that," Gore said in a July memo to the press.

By early summer, NPR staffers sensed pressure to give spending cuts a higher priority. The pressure increased as Clinton used the Gore report as a tool in marketing his budget, a "not unimportant" tool, according to Deputy Treasury Secretary Roger Altman, who ran the budget "war room" at the White House. "The environment around us changed, but our work never changed," says Marla Romash, Gore's press secretary. "We didn't change course," says project director Bob Stone. "The principal mission was never primarily to cut spending, but to improve performance," says Phil Lader, the budget official who oversees NPR. "The most important thing is to improve performance," adds Clinton adviser George Stephanopoulos. "You can also achieve savings."

True, but not easily in the Clinton administration.

The irony is that Clinton talked up significant spending cuts in the review while precluding many of them. Gore's project didn't tackle entitlements, and Pentagon spending had already been gutted. That left only domestic discretionary spending. And slashing it, a Clinton ally says, "is not the way to get ahead at the White House." Budget director Leon Panetta discovered this last winter when he proposed deep cuts and was rebuffed. Some cuts aimed at increasing efficiency were scrubbed for political reasons. Deregulation of the maritime industry was considered until potent opposition emerged. Consolidating large agencies—Customs with the Immigration and Naturalization Service; the Alcohol, Tobacco and Firearms division of Treasury with the FBI—was deemed not worth the effort.

Labor Secretary Robert Reich blocked the proposal to halt unemployment benefits for people who voluntarily leave the military. Other cuts clashed with deals the president had made to get his budget passed. The helium subsidy was off limits, having been protected by a House member whose vote Clinton needed. Another option was to slash federal employment.

But review staffers, 200 people drawn from federal agencies, were not folks inclined to fire tens of thousands of their colleagues overnight. Gore once mentioned trimming the work force by 100,000 to 150,000, on top of the 100,000 reduction Clinton had already promised. But, says project director Stone, "there's a strong bias against firing people." Reductions would have to come through attrition, early retirements and buyouts—in other words, gradually.

I have doubts whether the worthwhile regulatory, procurement, budgeting, financial management, personnel and other changes proposed by Gore will be flashy enough to appeal to a targeted voting group, Perotistas. In a survey by Clinton pollster Stan Greenberg, they responded more favorably than Bush or Clinton voters to an unnamed presidential candidate who "wants to radically change the way government does things—cut bureaucracy, make government work more efficiently and give ordinary people better service and more choice." Gore's sensible proposals, such as allowing agencies to buy supplies in the marketplace if prices are cheaper than the General Services Administration's, may achieve these goals eventually. In the meantime, Perot voters have their appetite whetted for deep spending cuts.

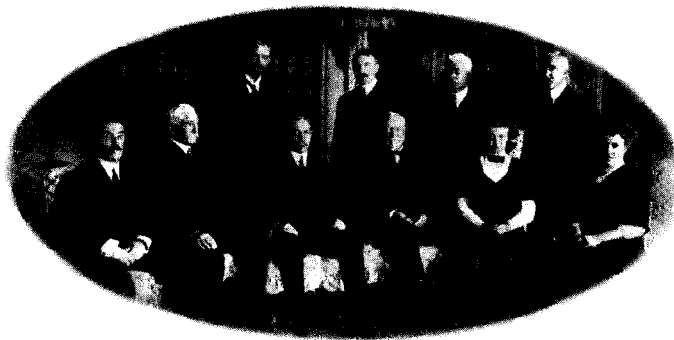
They aren't the only ones who may be disappointed. Democrat Bob Kerrey of Nebraska was courted by the White House in August as the clinching vote in the Senate for Clinton's budget. The day before the vote, Gore came to the Capitol for lunch with Kerrey. "He wasn't very specific" about what his report will propose, says Kerrey, "but I think he's on the right track." The trouble is Kerrey has objectives the Gore report won't meet. "We need smaller government and fewer people working in it, and we need it fast." That means firing people, a step too far for the performance review. •



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SUCKING SOUND

By James Bovard

The book *Save Your Job, Save Our Nation* by Ross Perot and Pat Choate, a tirade against the North American Free Trade Agreement, is due out on Labor Day. Perot has already appeared on Jay Leno to hype it, and the manifesto will likely weaken the nerve of an already palsied Congress. Despite all this, the book is good news for NAFTA supporters, for it's a hodge-podge of untruths, conspiracy theories and crackpot assertions. Perot warns that "NAFTA obligates the United States in ways that are only dimly understood." In truth, few things are dimmer than Perot's understanding of trade policy and the purpose of international trade.

Save Your Job harps endlessly on a Mexican influence-buying conspiracy that allowed the Mexicans to bamboozle American trade negotiators; Perot characterizes NAFTA as a "Mexican buy-out." But though the Mexicans have sought to buy the best help they can find in their negotiations with the United States, their influence over our trade policy pales beside that of, say, the American textile industry. Since Clinton took office, the United States has imposed new textile import quotas on more than fifteen nations, including Macedonia, which was forced to slash its wool suit exports by 70 percent only weeks after the president announced he was considering sending troops there. The president's Council of Economic Advisers estimated in 1989 that high tariffs and import quotas produce an average effective tariff rate of more than 50 percent on apparel imports.

The textile fantasy is only the first of many. Perot hectors, "The U.S. citrus industry will suffer under NAFTA. The U.S. must immediately cut its tariffs on the import of frozen concentrated [orange juice] from Mexico in half. In contrast, Mexico only has to phase out its 20 percent duty on imports of U.S. citrus *over an extended period of time*." What Perot doesn't mention is that our tariff on frozen orange juice is already 40 percent—double the Mexican tariff.

Perot writes that American farmers will be at a disadvantage exporting wheat to Mexico "because the 1988 Canada Free Trade Agreement already permits Canada to subsidize the wheat production of its farmers," thus implying that the United States is not subsidizing its wheat production. In fact, taxpayers are being skewed for more than \$2 billion for federal wheat subsidies this year, and our wheat subsidies consistently exceed those of Canada.

Perot's anecdotes on our trade policy are also misleading. He frets: "U.S. trade negotiators have a long tradition of trading away American jobs. To get Turkey to join the Persian Gulf coalition against Iraq in 1990, for instance, the Bush administration agreed to increase the quota of Turkish apparel, fabric and yarn that could be exported from Turkey into the U.S." Perot forgets to note that such finagling works both ways. A few months after the agreement with Turkey, the United States compelled Hong Kong to make a "contribution" to the Gulf War effort by slashing its exports to the United States by the equivalent of 16 million shirts.

Perot misrepresents American exports to Mexico in recent years—and ignores the fact that they have tripled since 1986. "The only significant opportunity the U.S. has to export to Mexico," he asserts, "is the opportunity to sell capital goods to U.S. factories relocated in Mexico." Actually, only a third of exports to Mexico consist of capital goods. In the first year of NAFTA, auto exports to Mexico are expected to increase from 1,000 to 60,000 a year.

The demonization of dumping is a big part of Perot's effort to paint international trade as an anti-American conspiracy. Perot warns:

NAFTA takes away the constitutional right of American citizens to seek redress in U.S. courts if they are harmed by several types of international economic crimes, such as "dumping." Dumping is a predatory business practice in which foreign industries sell their products at cutthroat prices often below the selling price for the same goods in the predator's domestic market or even below the cost of production.

Yet our dumping law has nothing to do with predatory behavior; in fact, the law has not required evidence of predatory behavior since it was revised in 1921. The U.S. dumping law judges foreign companies guilty if they fail to earn an 8 percent profit on their exports; Perot states in his book that the average American manufacturer's profits are 3 percent to 5 percent. Does he believe that foreign companies are scheming to destroy American companies unless they earn much higher profits than U.S. companies?

NAFTA will create a tri-national panel to review dumping and subsidy cases filed between Canada, Mexico and the United States. Perot says such panels will be "modern day Star Chambers" and a "kangaroo court system." But what could be more biased than current Commerce Department procedures? From 1984 to 1990, Commerce convicted 97 percent of the foreign companies it investigated for dumping. Officials do not hide their biases; in recent steel dumping investigations, Commerce Secretary Ron Brown met with executives from American steel companies but refused to meet with their foreign counterparts.

Perot warns that NAFTA puts 5.9 million manufacturing jobs at risk. But he and Choate came up with that figure simply by counting the number of manufacturing jobs in industries where wages account for more than 20 percent of the value of output. This

continued on page 18

Where We Stand

By Albert Shanker, President
American Federation of Teachers

California Vouchers

On November 3, Californians will vote on an amendment to the state constitution that would authorize using taxpayers' money to send K-12 students to private and parochial schools. Supporters of this voucher scheme claim it's the medicine California education needs and that it would, among other things, help save the public schools. But it is more likely to be the coup de grace.

The fiscal crisis that California faces has already led to a \$2.6 billion cut in education funding, causing problems and hardships in California schools—for example, Los Angeles teachers recently took a 10 percent pay cut. If the voucher scheme passes, public schools would suffer additional big hits.

Here's how the law would work. Each of the 550,000 students already in private schools would be eligible for a voucher worth half the average per-pupil expenditure for a public school student, which is now \$5,200. This \$2,600 per private school student would come out of the funding now allocated for public education. But that's not all. The law also says that the public education budget must be reduced by *another* \$2,600 for every student already in private school who redeems a voucher; that's called "savings." Let's say only 500,000 private school kids redeem vouchers. At \$5,200 per private school student, this means that before a single student transferred out of a public school, public schools would lose \$2.6 billion, or 10 percent of the current state education budget.

The hit public schools would take if students moved to private schools is even more devastating. For every *public* school student who transfers to a private school, the public school not only loses the \$5,200 average expenditure for that student, but the public education budget must be reduced another \$2,600 for the voucher plus another \$2,600 for "savings" for a total of \$10,400. In other words, every time one student transfers to a private school, the public schools would lose funding for two students. How's that for a way of helping public schools!

Voucher supporters talk about how "voucher schools" would bring excellence and change. But the law would allow anyone who could recruit 25 students to use taxpayer dollars to start a voucher school and run it with virtually no oversight or accountability. And taxpayers would have no way of find-



Every time one student transfers to a private school, the public schools would lose funding for two students. How's that for a way of helping public schools!

ing out whether these schools were doing a good job or how they were spending public money.

There was a recent story about the Contra Costa Pagan Association's desire to use voucher funds to start a school for the children of witches. Some people are asking whether the story is a hoax. But it's a fact that if the association recruits 25 students, it can open its school at public expense. And California law would allow youngsters there to study beginning, intermediate and advanced magic even if they got only the sketchiest education in the normal curriculum. It's a fact, too, that under the voucher scheme, if David Koresh had been a California resident, he would have been free to open a school for the 40 kids in his compound. And he would have gotten \$100,000 of taxpayer money a year to support it—while the public schools lost as much as \$400,000. Maybe there would be few Koresh schools, but there are many groups around that would be glad to use public money for schools where youngsters could get a good dose of indoctrination along with a little education.

Voucher schools would also be free to discriminate in their admissions policies. The voucher initiative allows schools to exclude a youngster because of sex or religion or IQ or because of a physical or mental disability—or just because they don't think the youngster would "fit in." Voucher schools will also be free to decide they made a wrong choice and expel virtually any student they no longer want without giving any reason. This is the way private schools now operate

in California and elsewhere in the country and, as long as the money has been put up by parents of the kids who go there, most people do not have a problem with it. But do taxpayers want their money to go to schools where discriminating against some kids is a matter of course?

We can't pretend that students in California public schools or anywhere in the U.S. are doing well. But starving public schools is not the answer. And neither is writing a blank check for private schools that are not accountable to taxpayers and are free to teach what they want and admit—or turn down—whomever they please. California has recently instituted an excellent curriculum in language arts, history and mathematics. If Californians are interested in improving student achievement, they should give these reforms the support they need and deserve instead of going with anything goes.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W. Washington, D.C. 20001. © 1993 by Albert Shanker.

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BOSNIA AND THE FUTURE

An Open Letter to President Clinton and other Western Heads of State:

In Bosnia, the situation goes from bad to worse. The people there are in despair about their future. They are victims of brutal aggression. But they are also the victims of the failure of the democracies to act.

Instead of opposing the acquisition of territory by force, the United Nations and the democracies have dispatched humanitarian assistance to Bosnia. But welcome as it is, this will not stop the massacres or halt the ethnic cleansing. Humanitarian aid will not protect the besieged children of Bosnia from being herded into Muslim ghettos or orphaned or maimed or slaughtered.

These could have been our children.

If we do not act, immediately and decisively, history will record that in the last decade of this century the democracies failed to heed its most unforgiving lesson: that unopposed aggression will be enlarged and repeated, that a failure of will by the democracies will strengthen and encourage those who gain territory and rule by force.

1. Humanitarian Aid and Future Ethnic Cleansing:

In Bosnia the democracies have used the need to deliver humanitarian aid both to excuse their own inaction and to keep the recognized multi-ethnic state of Bosnia outgunned and therefore itself unable to protect its civilian centers from slaughter by a dictator bent on making a Greater Serbia. Western governments now vying publicly to save several hundred maimed bosnian children will not escape the responsibility they assumed for the slaughter of hundreds of thousands of other children and their parents, when they refused to let an independent Bosnia defend itself.

Recently, the UN and EC mediators, with US support, threatened to *withdraw* humanitarian aid in order to coerce the Bosnian government into accepting violent changes in its borders and a partition into ethnically pure states, with Bosnia an unarmed Muslim ghetto. But the UN, the EC, and the US have continually condemned such changes and that partition as totally unacceptable. Such a partition, they've said, is unstable: It will mean still more killing, broken families, and the expulsion of millions at a time when Europe is closing its doors to refugees. If the fall of Sarajevo is a preface to a partition creating an unarmed Muslim ghetto, it will be a preface also to further disasters, ethnic cleansing and instability — in Sarajevo itself and other Bosnian "safe havens" protected only by the UN, in the rest of the Balkans, and beyond.

PARTIAL LIST OF SIGNATORIES

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Former Prime Minister of the United Kingdom

George Shultz
Former Secretary of State

Prince Sadruddin Aga Khan
Former U.N. High Commissioner for Refugees

Teddy Kollek
Mayor of Jerusalem

Murat Karayallin
Mayor of Ankara

Joseph Brodsky
Nobel Laureate in Literature

Albert Wohlstetter
Co-Chairman
Presidential Commission on Long Term
Integrated Strategy

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Paul Wolfowitz
Former Undersecretary of Defense

Henry Rosovsky
Harvard University

E OF ETHNIC CLEANSING

Bosnia, unlike Somalia, was no civil war. Like Kuwait, it was a case of clear-cut aggression against a member of the UN — a member whose independence the US, Europe and the international community have recognized for at least 16 months.

When the Baath dictatorship seized all of Kuwait in August 1990, it tried to erase Kuwaiti identity using rape, torture, the seizure of Kuwaiti passports and the forging of a new identity of Kuwait as a province of Iraq. A coalition of several NATO powers and some non-NATO countries joined the US in demanding and then, in January 1991, compelling Iraq's withdrawal by using first airpower throughout Iraq, and then ground forces in Kuwait and southern Iraq. The coalition was exercising the right of individual and collective self-defense of each of its members and of Kuwait. It aimed at more than mitigating Kuwait's suffering. The UN endorsed the coalition's aim to get Iraq out of Kuwait, and the aims beyond Kuwait to reduce Iraq's power to terrorize its neighbors. But the UN exercised no authority over the coalition.

In the same way, the US should now lead a coalition of Western governments that exercises the right of each to individual and collective self-defense. The UN Charter does not confer that right, it acknowledges it to be "inherent." Nor is that right conditioned on the Secretary-General's approval.

The West's air-to-air fighters overflying Bosnia needed no further preparations to shoot down command helicopters and helicopter gunships the Serbs, in yet another blatant violation of their promises, used to drive the Bosnian army from their defenses of Sarajevo on Mounts Igman and Bjelasnica. The West could have done this without elaborate plans to coordinate air strikes against ground targets, without endangering UN forces on the ground, and without the permission of the Secretary-General, Europe's Council of Ministers, the sixteen NATO ambassadors and a variety of UN commanders — procedures that appear designed to make the fall of Sarajevo a fait accompli. A disaster not only for the Bosnians, but for the relevance of the UN, Europe, NATO — and the United States.

Western governments should act now substantially to reduce Serbia's immediate and future power of aggression and ultimately to put the Bosnians in a position where they won't have to rely indefinitely on the protection of the international community.

With this limited political aim, Western air power would play a much larger role, and U.S. and other Western ground forces a much smaller and more transient role, than in UN-directed options that look toward an indefinite future of protecting on the ground a helpless Muslim ghetto and besieged corridor of supply to it. The ghetto and the corridors to it would be subject to continuing artillery, armor and sniper attacks so long as the source of these attacks in Serbia is left intact.

Air power directed against the present and future potential sources of such attack can be used selectively and discriminately. The no-fly zone could be enforced and defenses suppressed over Serbia as well as Bosnia. And a very high percentage of the military aircraft on the large airfields in Serbia could be destroyed, with minimal danger to Serbian civilians or to UNPROFOR troops.

The UN alternatives mean a future of ethnic cleansing and endless protection by the international community.

2. *Bosnia is not history:*

What the West says and does now in Bosnia will affect the future in Bosnia itself; in the rest of the Balkans; and in other newly independent countries that, having gained their freedom when a communist dictatorship fell apart, now find that freedom threatened by former rulers who would, like Milosevic, use the pretext of protecting minorities to retake strategic facilities and territory their pan-national military have never been reconciled to giving up.

Even now, after 16 months of a perverse Western policy piously condemning the pan-Serbian aggressors while doing nothing to stop the massacres, the West can use military force substantially and discriminately to reduce the power of the poorly motivated and ill-disciplined Serbian Army in Bosnia and its source of support in Serbia itself. And the West can help arm the larger, highly motivated Bosnian Army that still maintains a precarious control of the towns containing most of Bosnia's industry, including its weapons industry. In this way the West can improve the odds for the survival of a free multi-ethnic Bosnia.

On the other hand, if Western mediators and UNPROFOR confine unarmed Bosnian Muslims to a small, purified remnant of Bosnia, the public will watch with horror as that ghetto disappears before its eyes on television while Serbs violate this ceasefire — as they have all the others for 23 months in Croatia and Bosnia. A spectacular display, at the same time, of the unshakably naive faith in Serbian promises that underlies Western cynicism. Realpolitik revealed as fantasy in real time.

Even if, like Kuwait in August 1991, all Bosnia (and not just Sarajevo) were seized, it would be essential for the democracies to make clear, as they did in the case of Kuwait, that violent border changes will not stand whether by Serbia in Croatia and Bosnia, or by Croatia in Bosnia.

If the West does not make that clear, it will have nothing persuasive to say to the Croats and the Serbs who have already renewed the conflict Serbia started two years ago when it used the Yugoslavian army to seize territory in Croatia and then turned to invading Bosnia. Nor will the West be able to stop Serbian ethnic cleansing of Albanians in Kososvo and of Hungarians in Vojvodina. In Macedonia (unrecognized by either the U.S. or Europe because the Greeks object) where the U.S. and Sweden have deployed ground forces with no clear purpose, Western policy seems even murkier than for the other former Yugoslavian republics. There the West will have nothing coherent to say to resolve potential conflicts among Greeks, Serbs, Albanians, Bulgarians, Turks, and frustrated Macedonian nationalists who may topple the moderate Grigorov. Finally, the West will have nothing to say to discourage the now serious threat presented by pan-nationalists in the former Soviet Union and elsewhere.

3. *The Role of Force and Of Empty Threats*

Empty threats have a perverse affect.

Against a dictator who will yield only to superior force the West can threaten most ferociously in the hope that threats alone will be enough to stop aggression - that its threats and endless preparations will "send a message." But if the West doesn't use force at all or if it uses it symbolically rather than substantially to reduce Milosevic's power, or if it uses force to coerce Bosnian capitulation, "the message" received will only bring American and Western resolve into contempt. ■

includes some of America's strongest industries, such as aerospace. Estimating the number of jobs "at risk" from NAFTA on the percentage of labor content makes as much sense as basing it on the moon's phases.

In American politics, the war on drugs is the last refuge of a scoundrel. Naturally, Perot waves this bloody shirt: "Drug dealers operating out of Mexico will soon be able to offer door-to-door delivery anywhere in the United States and Canada. Is overnight service far behind?" Since the Drug Enforcement Agency and the Customs Service intercept only about 10 percent of incoming narcotics, it is hard to believe that NAFTA could make the drug trade much worse.

After quibbling for 100 pages over NAFTA's small print, Perot comes out in the last pages as a dyed-in-the-wool, know-nothing protectionist. He advocates that we "impose a 'social tariff' at a level that is equal to the difference between the wage paid in the developing nation and the wage paid in the United States for comparable work." Thus he favors penalizing foreign poverty as if it were an unfair trade practice—thereby prohibiting imports from nations not as rich as the United States. "Social tariffs" (i.e., 700 percent tariffs on imports from Haiti, 500 percent duties on imports from Bangladesh) would create a world economic caste system, where poor nations would not be allowed to export to America until they became rich.

NAFTA is far from ideal. The treaty is marred by restrictive new rules of origin and interventionist side agreements. But its benefits marginally outweigh its liabilities. And if protectionists can torpedo NAFTA, then politicians can be spooked from anything resembling free trade for the rest of this century. Perot declared recently: "Any member of Congress who reads this book cannot, in good conscience, possibly vote for NAFTA." In reality, any American who reads this book cannot, in good conscience, retain any shred of respect he or she might have had for Ross Perot.

JAMES BOVARD is the author of *The Fair Trade Fraud* (St. Martin's Press).

Death of a science project.

COLD FUSION

By Tony Rothman

The House of Representatives' recent decision to continue financing a scaled-down version of Space Station *Freedom* but to kill the Superconducting Supercollider is good evidence that the country's interest in science is still governed more by

showmanship and lobbying than by the important or practical. The point is brought home by the grim situation facing the Princeton Plasma Physics Lab, the nation's largest center for the research and development of a fusion reactor.

Established as a secret government research project in the early 1950s, the Plasma Physics Lab now has a staff of 300 physicists and engineers and an annual budget from the Department of Energy of slightly more than \$100 million. This month, PPL will enter an important period of research on its flagship project, the TFTR, or Tokamak Fusion Test Reactor. First conceived in 1950 by Andrei Sakharov and Igor Tamm, tokamaks are designed to create conditions under which energy can be produced by nuclear fusion.

To create energy through fusion, two hydrogen nuclei must be slammed together with enough force to make them fuse. This is not an easy feat, for hydrogen nuclei naturally repel each other. To overcome this electrical repulsion, the hydrogen must be heated to 100 million degrees—a temperature comparable to that found at the center of the sun. At this temperature all material substances vaporize, so the ionized hydrogen gas—called a plasma—must be confined by elaborate magnetic fields. The task is so complex that many scientists once thought it impossible.

But the benefits are worth the difficulties. Fusion is nearly 1 million times more energy-efficient than burning oil; the fuel supply is essentially limitless. And melt-downs, a potential risk of fission reactors, are impossible with fusion; unlike a fission reaction, a fusion reaction wants to shut itself down; if the tokamak is ruptured, the reaction merely stops. And although one of the fuels, the hydrogen isotope tritium, is radioactive, it has a half-life of only twelve years, compared with 25,000 years for plutonium.

After forty years of experimenting, plasma physicists are now convinced that a commercial reactor can be built. A crucial step in this direction is to introduce into the tokamak the deuterium-tritium mix that will someday serve as fuel for commercial fusion reactors. This has been done only once before, in England in 1991, and PPL scientists are beginning their own deuterium-tritium experiments. In the coming months, researchers hope to be generating 10 megawatts of electricity. That's only about a third of the power it takes to run the reactor itself—but it's within sight of actual power production.

Unfortunately, before that becomes a reality, PPL may be run off a cliff. The TFTR, built more than a decade ago, will be decommissioned at the end of 1994. It was supposed to be replaced with a sophisticated, billion-dollar model, known as BPX. Instead, the Department of Energy guillotined the BPX and budgeted a smaller, less-ambitious machine, the TPX. However, the TPX won't be ready until the year 2000. This means PPL will have to wait five years until it can begin the next generation of experiments. And depending on the future budget, the lab could be shut down indefinitely.

PPL's management is optimistic that the gap can be

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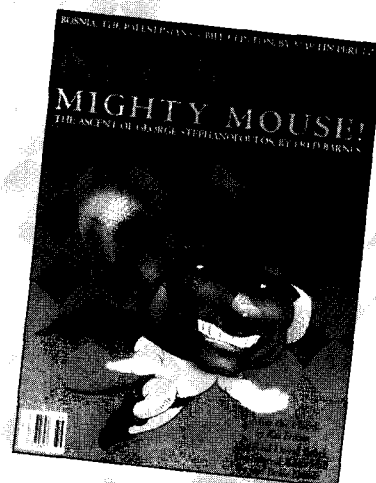
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bridged by farming out physicists to other labs, such as MIT or Oak Ridge. But the mood of the lab's scientists is decidedly more gloomy. "You can't shut down the major machine at a major lab for five years and expect everything to be hunky-dory," says one PPL physicist. "It's just not realistic. Do they really expect people to wander around with their families for half a decade and return when there's no guarantee a machine will be here?"

PPL's plight shows that when it comes to government financing of science projects, long-term planning is an alien concept. The development of a fusion reactor will take decades more. Though the power output of tokamaks has quietly increased by a factor of about 10 million in the last twenty years (a faster growth than the memory in computer chips), plasma physicists don't expect a prototype commercial reactor to be ready until around 2030. This means that for fusion to become a reality, the project will need the support of several successive presidential administrations.

And that is a serious problem. Incremental progress, no matter how promising, is not as spectacular as, say, a space shot, and PPL scientists agree that TFTR was only a transient product of the energy-crisis mentality of the mid-1970s. During the Reagan-Bush era, visions of long queues for gasoline receded, and with them so did fusion funding, which in real dollars now stands at about half of 1979 levels. Research cannot proceed on the basis of hysteria. The country desperately needs a mechanism to ensure multi-administration stability in its long-term science programs.

The fruits of sticking with a project for the long haul are evident. Japan's fusion program, for example, is more stable. Fusion researchers don't live with the constant fear that sudden funding cuts will shut down their experiments and shut them out of their laboratories. The results? Out of nowhere, the Japanese recently broke the world fusion record, both in temperature and in the standard measure of plasma quality.

One is entitled to ask whether fusion is worth the time and money, or if the grumblings at PPL are merely the latest gripes of Big Science in an era of small money. But the very question highlights another problem with our science policy and our public debate on science: the inability of the government and the public to distinguish between different scientific endeavors. Politicians and the press invariably lump programs like the Supercollider, space station and the genome project under the single heading of "megaproject." The confusion is reflected in the domestic budget. There is in fact no federal science budget per se, and after the labyrinthine journey of proposals through the Office of Management and Budget and congressional appropriations committees, NASA ends up competing for the same corner of the budget that encompasses veterans' affairs and housing, and PPL ends up competing with the Army Corps of Engineers. With nuclear fusion equated with harbor dredging, it is not surprising that scientific programs are muddled in the public eye.

There is nothing particularly mysterious about figuring out which science projects deserve government funds and which don't. They should be judged by the same standards as other programs: value, cost, usefulness. For example, in terms of scientific value, support for the space station among scientists is virtually zero, for the simple reason that it is not a scientific project, but a public works project. Fourteen scientific societies went on record opposing *Freedom*. They were ignored. Why? Because with pork spread around most of the nation, the project has been almost impossible to kill.

Megaprojects should also be separated by cost. The price tag of the old space station (depending on which figures you believe) would have been between four and ten times that of the Supercollider; the station's "scaled-down" budget is still nearly six times the country's entire fusion budget. In terms of practicality, too, the space station, as far as anyone can tell, will have no obvious impact on daily life; fusion, on the other hand, could change civilization. Despite this, it does not figure in the public's consciousness, and major labs are left in limbo.

By almost any criteria, the nation's science priorities are badly skewed. One does not have to be a fusion advocate to see that the public debate on science has focused not on the essential, but on the visible. In order for research to produce anything of value, the government must learn to see beyond the next election year.

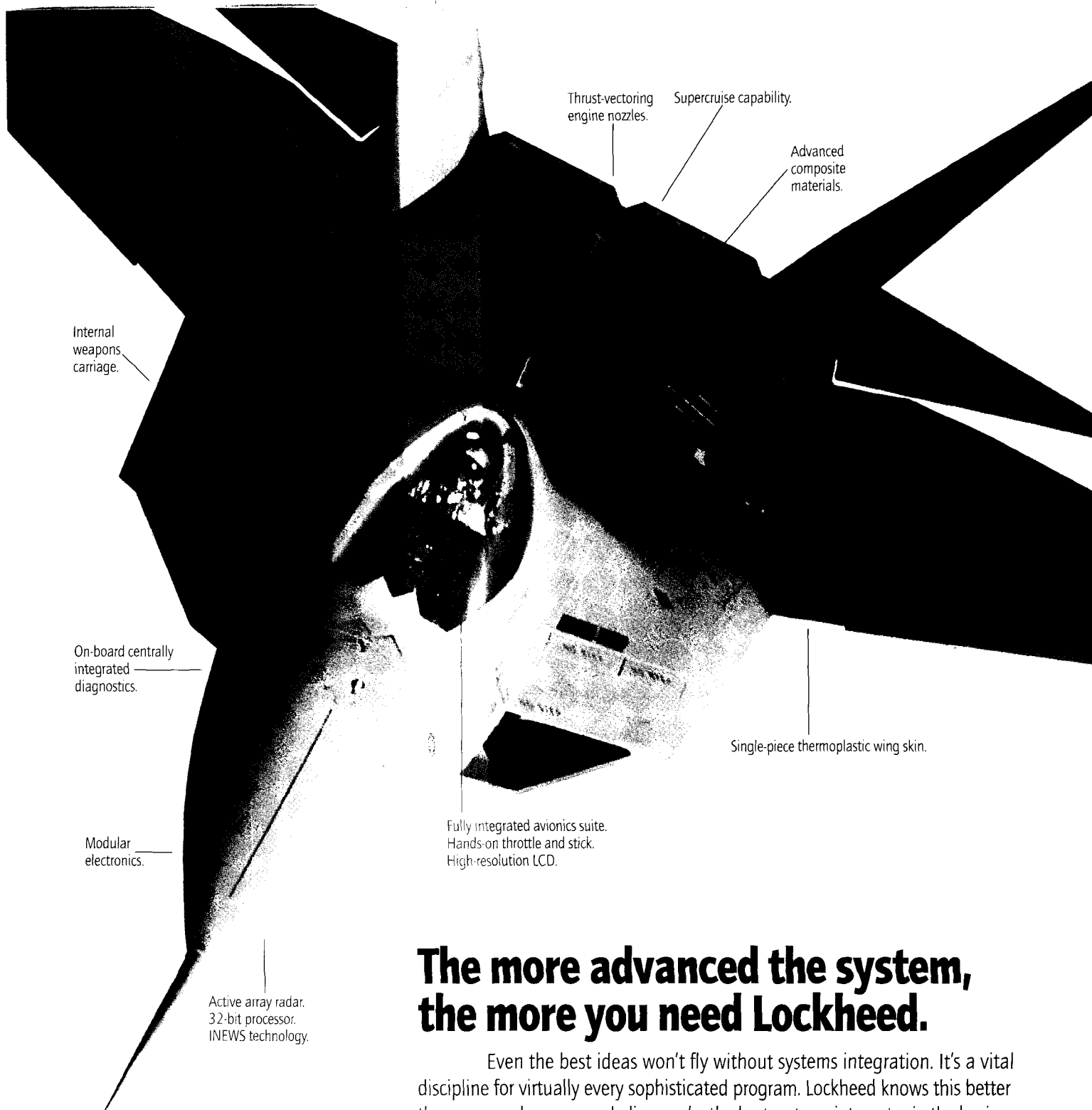
TONY ROTHMAN is a visiting physicist at the Center for Relativity, University of Texas at Austin.

The real story of Tom Dine.

AIPAC UNPACKED

By Peter Beinart and Hanna Rosin

Any lobby would self-correct to avert scandal, but AIPAC, the pro-Israel lobby, practically ginned one up in order to purge itself of its longtime executive director and chief lobbyist, Tom Dine. On Friday, June 18, the lobby's officers found out that a new book by the Israeli journalist David Landau quotes Dine as saying, "I don't think mainstream Jews feel very comfortable with the ultra-Orthodox. It's a class thing, I suppose. Their image is—smelly." Five days later Rabbi Moshe Sherer of the Orthodox group Agudath Israel wrote a letter to AIPAC President Steven Grossman decrying Dine's comments as "shocking and heartbreaking." The next day eighteen of AIPAC's offi-



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cers convened a three-hour conference call and sealed a vote of no confidence. Dine tendered his resignation on Monday, and two days later he was gone. According to Grossman, Dine's remarks were "so divisive and polarizing that they undercut his ability to lead."

But Orthodox groups hadn't pressed for Dine's removal. Sherer's letter asks only for "a meaningful public display of goodwill," such as a visit to a Hasidic neighborhood. Even today, Sherer insists that "we never asked him to resign." Within AIPAC, Orthodox groups are a negligible constituency. "It's rare to have more than one [yarmulke] on the board," says a former staff member. "The ultra-Orthodox have nothing to do with this decision." Few religious staff members opposed the decision, and four of AIPAC's Orthodox employees wrote Dine a letter calling the comment "of ... limited importance." And even Grossman admits that "some of the most outraged calls were from people who themselves are not observant."

In fact, the most outraged were people who had other reasons for wanting Dine to leave. Landau's text was a pretext; Dine fell victim to the intrusive micromanagement of a group of wealthy senior AIPAC officers who resented his public following and independence. In the words of another former AIPAC staffer, "It was a power play by wealthy people who are used to getting their way to get rid of a charismatic, strong leader."

Ironically, Dine himself had empowered the officers who deposed him. When Dine came to AIPAC in 1980, he inherited a handful of staff in Washington and a northeastern liberal political base. The lobby was dependent on other Jewish organizations for contact with the mass of American Jews. To expand, he nurtured a network of locally active, rich Jewish businessmen to help recruit a national membership, and turned AIPAC into a mass movement that rivaled the other groups. In the thirteen years of his tenure, AIPAC's staff grew from twenty-four to 158, paid membership rose from 8,000 to 55,000 and the budget increased from \$1.7 million to \$15 million.

As AIPAC grew, Dine began to include the officers in Washington activities. "The large contributors are used to getting something for their money," says a former AIPAC staffer. "He created his own monster." Dine ushered them in for three days every month to sit in on meetings with their senators and representatives. In 1985 the officers fired Arthur Chotin, Dine's hand-picked deputy and close friend, over staff objections. Soon after, they established a management committee to oversee staff actions, and then other committees dealing with policy, lobbying and fund-raising. "They became more arrogant and autocratic," says Henry Siegman, executive director of the American Jewish Congress. "They saw the membership as an expression of support and power." Most intrusive was a group of past AIPAC presidents. Known as the "gang of four," they occupy the top four spots on the masthead under Grossman: Mayer Mitchell, the current chairman of the

board of officers, and Robert Asher, Edward Levy Jr. and Lawrence Weinberg.

Former staffers describe the "gang" as jealous of Dine's prestige on Capitol Hill. In the words of one, they "wanted to be stars. But they don't have that kind of stature. Tom called it 'penis envy.'"

In 1992 the officers created the position of managing director for Howard Kohr, giving him control over administrative duties. Ostensibly, Dine would be left free to focus on lobbying. In reality, however, he lost control over the allocation of resources and staff. According to a former staff member, "He [Dine] kept his title, but he had the basic responsibility for running the organization taken away. That was the beginning of the end." On June 25, when Grossman went to Washington to inform Dine of the officers' vote of no confidence, Levy accompanied him.

Dine's removal might have worked to AIPAC's advantage. After Labor's victory in Israel, the lobby, long associated with hard-line Likud policies, needed a softer make-over. But this latest turn of events is just the opposite. While Dine is politically flexible, Mitchell, Levy, Asher and Kohr are staunch Republicans and stubborn adherents to Yitzhak Shamir's "not one inch" politics. As one former staffer put it, they "are waiting for Bibi to ascend," referring to Likud leader Benjamin Netanyahu.

Tensions had already been building between AIPAC officers and the Israeli government. In July, when Itamar Rabinovich, Israel's ambassador to Washington, told an AIPAC convention that peace and security "might also involve some Israeli concessions," *The New York Times* reported that he was greeted with "a stony silence." To make matters worse, Israeli Prime Minister Yitzhak Rabin, a former ambassador to the United States, made it clear that he needed no intermediary to the White House, diminishing AIPAC's influence. "The [Labor] government has adopted a policy which is not adversarial, but collaborative," says Siegman. "It has in essential ways undermined [AIPAC's] identity." In August 1992 the Israeli paper *Davar* leaked that Rabin chastised AIPAC leaders in a private meeting: "You've aroused too much antagonism, you keep too many enemies for yourself and your record is poor." But rather than make amends, AIPAC spokeswoman Toby Dershowitz told the *Jerusalem Report* that Rabin was "naïve" and "doesn't appreciate how important AIPAC is." Only when the mainstream press picked up the story did Rabin write an apology letter praising AIPAC.

Dine, however, had always been AIPAC's bridge to pro-Israel moderates and doves. He got his start in politics in the anti-war movement. Before coming to AIPAC, he worked for Senators Ted Kennedy and Frank Church, both liberals. Even though Dine helped prevent American Friends of Peace Now from joining the Conference of Presidents of Major Jewish Organizations, Gail Pressberg, Peace Now's Washington director, says, "We've cooperated well ... his own views were never right-wing." Most memorably, in 1982, during the Lebanon

War, Dine said that he saw "a lot of value" in the Reagan/Shultz plan, which called for a freeze on Jewish settlement in the occupied territories and self-government for the Palestinians in association with Jordan. *The New York Times* gave his comments front-page coverage, and Dine was immediately attacked by hard-liners within AIPAC. In 1988, when Senator Carl Levin and thirty colleagues wrote a letter to George Shultz criticizing Shamir's unwillingness to trade land for peace, the officers wanted to denounce the group publicly, while Dine urged quiet diplomacy. Once he realized the senators were adamant, he actually helped draft the letter. Levin's staff kept his participation secret to protect him from the officers.

After Labor's election, Dine shifted his public statements on Israel's security to reflect Rabin's new tactics. In testimony before the Senate Appropriations Subcommittee on Foreign Operations, he carefully avoided listing the PLO as a security threat, focusing instead on the Hezbollah and Iran. At AIPAC's annual convention in March, Dine titled his speech "The Bright U.S.-Israel Relationship." Later, one of the four officers rebuked him privately for being "too optimistic. You didn't scare the audience." Now, Rabinovich calls Dine for advice, because he "realizes he can't rely on AIPAC," says a source close to the ambassador.

The search for Dine's replacement has confirmed that AIPAC is in drift. On the Thursday after Dine's resignation, Grossman and Kohr met in New York with the Orthodox members of the Conference of Presidents of Major Jewish Organizations. Several of them suggested a new rule: members of the leadership could not be intermarried. Dine, as the yiddish and Orthodox *Algemeiner Journal* put it, "is married to a gentile woman who refuses to convert." Grossman denies that they have agreed to the request. But in the meeting Kohr assured them that his wife is Jewish and his kids attend a Jewish school. And according to *Algemeiner*, one Orthodox participant called the meeting a "real breakthrough." Rabbi Shmuel Blum, vice president of Agudath Israel, left with the impression that "in all likelihood, they will appoint someone with a Jewish wife."

With aid to Israel becoming a harder sell, AIPAC hardly has time to double as a Jewish dating service. The organization has weathered its share of scandals, but so far it hasn't recovered successfully from Dine's resignation. The Israeli paper *Yediot Aharonot* reported that when the names of Kohr and Malcolm Hoenlein, executive director of the Conference of Presidents and a Shamir ally, were floated as Dine's replacements, Jerusalem balked and requested the appointment be put off until January. AIPAC has now appointed an eighteen-member search committee, on which Mitchell and Levy sit. In August AIPAC laid off eight staff members because fund-raising hasn't met this year's projections. "There was a sense that you could always count on AIPAC in a crunch," says an aide on a congressional foreign affairs committee. "Now there's no sense of that. Now they're just like any other Jewish organization. They're no longer the address in town." •

Italy's meltdown—and ours.

THE GODMOTHER

By Martin Jacques

Virtually every government in the democratic world is currently experiencing a crisis of credibility. Clinton, Kohl, Major, Yeltsin, Mitterrand: everywhere you turn the picture is the same. More disturbingly, opposition parties are faring no better. No one is yearning to vote for Labour in Britain or the Social Democrats in Germany. In the United States, Clinton's electoral victory was followed by a stunningly rapid implosion of political support; the Republican Party is in disarray; Congress is reviled; the most dynamic element of the American polity is the anti-party of Perot. In most of the former West, the ancien régime, with its anachronistic left-right split and party structures, has not given way to something new. It is creaking under the strain of its own inertia.

But there is one place that seems to have broken out of this pattern into something drastically new; one place where discontent has actually resulted in a complete political revolution, where perhaps the future of other Western countries can be seen in acute and extreme form. That country is Italy. Italy is the laboratory of post-1989 Western democracy. All the tendencies present elsewhere can be found there in exaggerated and dramatic form: the after-shocks of the end of the cold war, the delegitimation of traditional parties, the growth of money corruption, regional balkanization, cultural usurpation of political processes. Perhaps one way of understanding what is happening, or not happening, elsewhere is to look at the extreme case, the possible harbinger of what could happen everywhere.

Italy's position during the cold war was always an extreme case. After the war, the powerful Communist Party was a partner in the anti-fascist coalition, but in 1947, with the onset of the cold war, it was ejected from the government by the Christian Democrats and went into opposition. Thus was established the enduring pattern of post-war Italian politics: the Christian Democrats always in power, the Communists always in opposition. It was, in effect, a de facto single-party system. Italy, in this sense, might be described as the only Eastern European state in Western Europe. In the Italian case, though, the Communists were in opposition, prevented for national and international reasons from participating in government. And unlike in the East, there were free elections, competing political parties and a vibrant civil society. Nevertheless, in a thousand and one different ways, Italy's democracy was shrunk and attenuated as a consequence.

The term single-party government, of course, is slightly misleading in the Italian case. The Christian Democrats always shared power with smaller parties such as the Liberals and the Republicans and, from the general election in 1963, most importantly of all, with the Socialists. But the Christian Democrats were always overwhelmingly the dominant partner: indeed, excepting the Socialists, the other outfits were rather like the satellite parties that cooperated with the Communists in Eastern European governments.

The constant succession of Italian governments in the postwar period became rather a joke in other Western countries, a by-word for instability. But this is utterly misleading. As in Japan, there may have been many governments and many prime ministers, but beneath this seemingly chaotic surface, exceptional stability prevailed. Governments came and went, fifty-two so far, but nothing much ever changed; the same party and the same people continued in power. Italy had the West's most stable political system. Italian politics may have given the impression of a melodrama, but in fact it was more like a stagnant pond, growing more putrid by the day.

Of course, as in the East, power in single-party government lies not with the government but with the party. The Soviet government counted for little compared with the Communist Party. Soon in Italy too, the real power lay not with the government but with the ruling parties, particularly the Christian Democrats, but also the Socialists. The parties became vast and bloated, with enormous resources, an extraordinary network of offices and great powers of patronage. They were like aristocratic fiefdoms. And, as a result, there grew up an extremely unhealthy relationship between government on the one hand and the state, business and civil society on the other.

Crucial to the power of the ruling parties was the state. The Italian state is no ordinary state. It accounts for around a quarter of GDP. It owns vast tracts of Italian industry; it was the key source of the patronage exercised by the ruling parties; all key state positions were party appointments, divided between the parties like the spoils of war. The vast majority of jobs, even secretaries, were the subject of patronage. Italy, like Eastern Europe, had its *nomenklatura*. And this *nomenklatura*, as in contemporary Russia, became inextricable from organized crime.

The relationship between the legal and the illegal state is crucial to an understanding of how the Christian Democratic regime worked. Only now is the story beginning to be told, and the details are still unclear. But it would appear that at the very heart of the regime was a secret, illicit relationship between the Christian Democrats and the Mafia. Giulio Andreotti, seven-time prime minister and the most powerful politician in postwar Italy, stands accused of being in effect the guardian and protector of the Mafia in Rome. The Christian Democrats' motivation requires little explanation: the Mafia helped deliver the Christian Democratic vote in the south, which became increasingly critical to its continued electoral dominance.

The picture I have presented, though, needs a little refinement. Italy, we must remember, is a recent creation, only finally being unified in 1870. Regional variations remain profound, with that between north and south the most acute. Italy to this day enjoys a weak sense of nation and a strong sense of region and city. The country's postwar political geography reflects these differences. The north and the south were the strongholds of the Christian Democrats, while central Italy—notably Emilia-Romagna and Tuscany—were the heartlands of the Communists. Bologna is the largest city in the West to have been governed uninterruptedly since the war by Communists.

During the '70s the Communists made steady advances; then in 1976 they made spectacular gains in the general election, winning almost a third of the vote. There was talk of a historic compromise between the Christian Democrats and the Communists. But it all came to naught, doused by the violence that was unleashed by the far right and the dark forces of the Italian state in the late '70s. Nevertheless, the steady Communist advance meant that the party slowly forced its way into the counsels of government at a regional and city level. As a result, it became part of the spoils system in some cities and even, in a very limited way, at a national level. It was still the outsider, but no longer the untouchable. The late '70s proved to be the Communist high-water mark. After then, it very slowly began to decline. During the '80s the Christian Democrats maintained their dominance while the Socialists made steady advances, although their share of the vote never exceeded the mid-teens, compared with the Christian Democrats' low thirties and the Communists' high twenties.

1989 was the moment when the postwar system began to unravel. Until then, it had been frozen in the refrigerator of the cold war. But when the Berlin Wall was dismantled and communism collapsed, the entire political system lost its point. The Communist Party was thrown into crisis by events in the East. It began the search for a new identity, changed its name to the Democratic Party of the Left and was damaged by a split. But it was not to prove the main casualty of events in the East. With the Communist Party undermined and no longer the object of Western concern, the Christian Democrats' *raison d'être* suddenly evaporated. The entire political edifice, which had been constructed around the need to keep the Communists out of power, began to crumble. People slowly began to realize that the parties were no longer indispensable to work and life.

The first evidence of this process was the agony of the Communists. Then, in the north, the Lombardy League, anti-south, anti-Rome and separatist, began to gain ground in local elections. But the crucial moment came in early 1992 when the *tangenti* scandal broke in Milan. As in the case of Watergate, it had small and unlikely beginnings. Mario Chiesa, the head of Trivulzio, an old people's home in Milan, tried to get a small cleaning contractor, by the name of Luca Magni, to pay 10 per-

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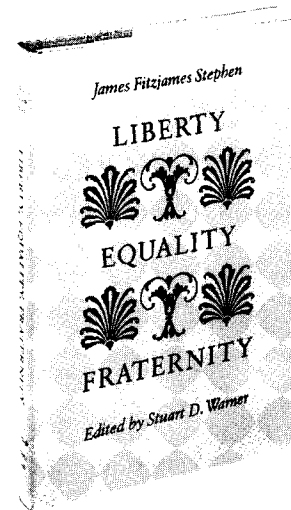
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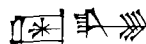
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cent of his contract as a kickback—to the Socialist Party. Rather than pay the kickback, which he could ill-afford, Magni went to the carabinieri, who set up a sting and caught Chiesa red-handed. It rapidly became clear that what had seemed like a freak occurrence was actually an insight into the way the whole system worked. As the old disciplines and accompanying loyalties broke down, so the guilty, like Chiesa, began to talk. The Trivulzio drop became a trickle and then turned into a torrent.

During the '80s Milan had been the powerhouse of Bettino Craxi's Socialist Party. It became clear that its enormous income was obtained overwhelmingly by illicit means, with the politicians helping themselves to a portion, often making themselves fabulously rich in the process. But what happened in Milan was true in many other places. At the center of tangentopoly, as it is known, were the huge state corporations such as Eni. In return for contracts, the managers, all political appointees, rewarded the parties and their politicians. In March of this year, the scandal spread south, to Naples and Palermo, and engulfed the Christian Democrats. But the charges here had a further dimension: leading Christian Democrat politicians were accused not only of receiving kickbacks, but also of complicity with organized crime, the Camorra in Naples and the Cosa Nostra in Sicily.

The magistrates are the heroes of the *tangenti* scandal, courageously taking on a system that previously had seemed beyond the law, the media and the people. It was they who began to lay bare the inner workings of the Italian state. The weakening of the old governing parties after 1989 together with the rise of the Northern League finally gave them the courage to act.

Italian politics is thus transformed. The old governing parties are thoroughly discredited; all but the Christian Democrats face extinction; even its future is in serious doubt. They now face the same kind of problems as those that confronted the ruling Communist Parties in Eastern Europe after 1989. The collapse of the old par-

ties has led to the progressive dissolution of the old political identities that dominated the highly politicized Italian society. The sudden collapse of the old system has accelerated the decline of both the old bonds of class and religion and the left-right polarity. There is a search for new identities, of which, as in the Balkans, the most insistent have been regional. It is this that underpins the mushrooming support for the League.

Never before has a European democracy witnessed such a political upheaval. The governing class—politicians and businessmen alike—is being swept away. This is the first revolution in a mature European democracy. But this time the revolutionary heroes are not workers, peasants, students or even mullahs, but magistrates. Commentators are fond of comparing the present events in Italy to those of 1945 or 1968-69. But they are very different. The events of 1968-69, which were historically far less important than those of today, were marked by great demonstrations and strikes—the standard menu of Great Historical Events in the grand era of class politics. These are now almost completely absent. There are few outward signs that anything untoward is happening. The revolution is being played out in the courtrooms and on television. Talk shows have interacted with legal sanctions to create a political dynamic entirely outside the realm of traditional political structures. This is the first postmodern revolution.

Operation Clean Hands, as it is known in Italy, has made enemies of the powerful men who ran Italy

in the postwar decades. During recent months car bombs have exploded in Florence, Rome and Milan. No one knows who perpetrated these outrages, but the conspirators are surely those who are most threatened by the reform movement. But it is difficult to believe they will succeed in derailing reform, as they did in the '70s. The scale of what is happening this time around is too sweeping, too deeply rooted, too popular. Again Eastern Europe provides a useful analogy. The velvet revolution in Czechoslovakia and the fall of the other regimes proved an unstoppable process even though it could hardly have been more profound and its enemies more



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powerful. And only in Romania was serious blood spilled.

If reform continues, what will be the likely result? Recently, we've begun to get a small glimpse of the future. An electoral law adopted at the beginning of August replaces the previous purist system of proportional representation with a combination of a first-past-the-post system for 75 percent of the seats and proportional representation for the other 25 percent. Its adoption clears the way for a general election to be held, probably early next year. With more than a fifth of deputies under investigation in the kickback scandal, it is bound to result in a very different Senate and Chamber of Deputies.

The other key event was the mayoral elections in early June, which gave a clear hint as to the shape of the new political map. The Northern League emerged as the dominant force in the north—in Lombardy, Veneto, Piedmont and Liguria. The former Communists retained, even strengthened, their dominant position in the center—notably Emilia-Romagna, Tuscany, Umbria and the Marches. In the south the picture was more confused. The Christian Democrats were expected to emerge as dominant, but they suffered severe defeats—around Naples to the former Communists, and in Sicily to La Rete and the Democratic Alliance of Mario Segni (a former leading Christian Democratic who jumped ship in the spring). It looks as if Italy will be divided along regional lines to a far greater extent than in the past; the parallel again is the East and, most tragically of all, the neighboring Balkan peninsula.

These election results suggest that the new Italy will be divided into three regionally based antagonistic blocs—the League in the north, the former Communists in the center and the Christian Democrats in the south. The new electoral system is likely to encourage this process, because a first-past-the-post system rewards and accentuates regional strength. None of the three, however, is likely to emerge as strong enough to govern on its own. (The mayoral elections suggested national percentages of 17.8 percent for the Christian Democrats, 16.9 percent for the League and 12 percent for the reconstructed Communists.) A new government, therefore, is almost certain to require two of the three to cooperate in forming a new government. But which two? The Christian Democrats and the League, although both rightish, are bitter enemies. And the former Communists make unlikely allies for either of their rivals. The new Italy could be very unstable.

But there are other possible outcomes. If the mayoral elections are anything to go by, the new electoral system, together with the fragmented and fluid state of political alignments, could encourage new electoral alliances. These dominated the mayoral elections, with the former Communists being at the center of a kaleidoscope of alliances with a myriad of forces. The most likely possibility in this context is an arrangement between Segni's Democratic Alliance and the former Communists: what has been described as an "efficientist" alliance between progressive business and the liberal left. Such an

alliance triumphed in the mayoral election in Turin and could conceivably form the basis of a new government. Neoliberalism has a distinct future in Italy, and maybe elsewhere.

Further down the road, there are other questions to be asked. Can the Christian Democrats survive? The party is trying to find a new role and identity and will rename itself the Popular Party before the election. But apart from the south, where patronage and clientelism live on, albeit in weakened form, its prospects look bleak. Then there is the Democratic Party of the Left, the former Communists. It did remarkably well in the mayoral elections, but as with the left everywhere, it no longer has a clear idea of what it stands for or where it is going. Finally, what will happen to the Northern League? This has been the Solidarity or Civic Forum of Italy, the outsider, the broad popular alliance that broke the old system. But unlike these, it is regionally based, hostile to the south, and therefore also regionally confined. Umberto Bossi, its leader, has been trying to play down its nationalistic and racist overtones in order to win broader support. Most populist alliances of this kind, however, tend to fracture when the time comes for them to assume office and responsibility. One thinks most especially of Perot.

Not so long ago, there was a naive belief that the problems stemming from the collapse of communism would be confined to the East. Italy, more than anywhere else, gives the lie to that belief. Indeed, Italy, with its de facto one-party system, the growth of regionalism, the trends toward fragmentation and the rise of the League, acts as some kind of bridge between Eastern and Western Europe in the transition to the post-cold war era.

It is now clear that the cold war had a restraining effect on the development of Western political systems. It didn't place them in the deep freeze, as in the East, but left them in the chill cabinet. During the cold war, society accepted disciplines and constraints that under normal circumstances it would have found unacceptable. Leaders enjoyed a prestige that only war can bestow. And the division between left and right remained the dominant polarity of Western politics, since it too reflected cold war reality. In Italy this arrestation of political development meant that while civil society was transformed, exploding in a plethora of media, style and culture, the political world was maintained in aspic. Indeed, because the political parties were so powerful, enjoying a stifling influence over civil society, this contradiction proved particularly acute; and its resolution particularly seismic. But Italy here only presents in extreme form what is a general Western problem that lies at the heart of our political crisis: politics is not as advanced as popular culture; it has not yet been fully transformed by the media revolution; it neither grasps the power of style nor harnesses the momentum of a dynamic and postideological civil society. It is ripe for meltdown. And Italy has led the way.

MARTIN JACQUES, formerly editor of *Marxism Today*, is a columnist for the *Sunday Times* of London.

LAKE INFERIOR

By Jacob Heilbrunn

Anthony Lake is a cordial man. At the outset of our first interview, I alluded to his grandfather Kirsopp Lake's book, *The Religion of Yesterday and Tomorrow*, written in 1925. "Good heavens!" Lake cried out and bounded over to the bookshelf in his West Wing office. He returned with a large, framed envelope and letter written by Kirsopp, a famous professor of divinity at Harvard, while on an archaeological dig in Israel. And he was on a roll. He explained that on a visit to Masada, Israel, in 1972 (with Edmund Muskie), Lake's driver had wheeled off and said in broken English, "Your grandfather dug here." "I've loved the Israelis ever since," said Lake. By the time I got to my original question—whether Lake, who teaches international relations at Mount Holyoke College, shares his grandfather's conviction that the "threat to civilization comes from emotional not intellectual failure"—Lake quietly replied, "I don't agree with that."

This was quintessential Lake. Acutely conscious of his distinguished family background, Anthony Lake relishes talking about history and foreign cultures, effortlessly converting even journalists' interviews into social chit-chat. His colleagues uniformly describe him as "collegial" (five of them surreally used the same word). When I threw him a fastball on Somalia, he gently responded, with a professorial air, "Well, let's argue that." Samuel Berger, one of Lake's top aides, compares his skill at policy formulation to his talent for drafting in the rotisserie baseball league they both belong to (Lake is a fervent baseball fan). A man of unassuming demeanor, dry wit and absolute integrity, Lake's modesty and keen intellect have made him one of the most popular figures in the White House.

It's more than a personality trait. Still haunted by memories of the warfare between Cyrus Vance and Zbigniew Brzezinski when he worked in the Carter White House, Lake has sanctified the notion of collegiality into a mantra recited by one subordinate after another. The result, in foreign policy, has so far been an impeccably smooth vacuum. Like Clinton, Lake is a reconstructed liberal from the 1970s who has intellectually absorbed the lessons of the Carter failures but not

internalized them; who has indeed replaced emotion with intellect; passion with amicability; and piety with academic hesitation.

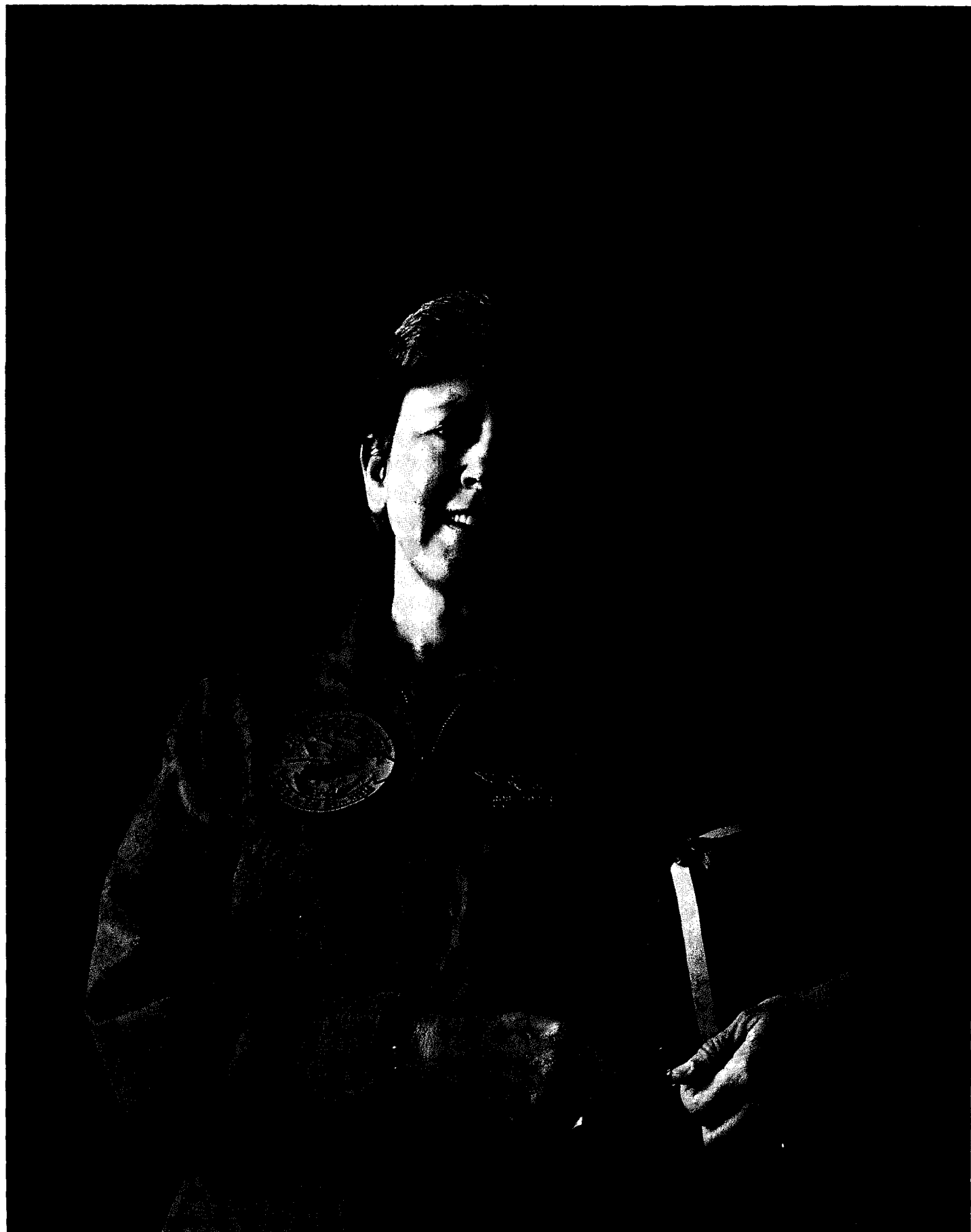
Born in New York in 1939, William Anthony Kirsopp Lake's interest in public service goes back to his childhood in New Canaan, Connecticut. His friend Roger Morris, who served with Lake on the National Security Council in 1969, observed in the December 23, 1992, *Los Angeles Times* that "his family was an offshoot of the Eastern foreign policy establishment." Lake's other grandfather, William Hard, was an editor at THE NEW REPUBLIC in the 1920s. Lake's father was a passionate New Dealer who instilled a sense of public service in his son. He regretted having to abandon his Naval career in favor of a more lucrative path as a textile businessman, and Lake fondly recalls his "volcanic eruptions" at dinner parties in solidly Republican New Canaan. After attending Middlesex, Lake studied at Harvard and took an M.A. at Trinity College, Cambridge, where he learned Chinese. A foreign policy career was never in doubt.

Returning from England in 1962, Lake entered the foreign service. He viewed it not as a job, but as a noble calling. As Morris put it, "Tony came out of what we call corridor image: it didn't matter how good you were, as long as you looked like a future ambassador. Tony's corridor image from the beginning was as a comer, but he was also very good. . . . He went to Harvard. He played squash. He married a woman of means. . . . But he was able to blunt a lot of the resentment because he was a very gentle and soft-spoken soul." His first assignment was Vietnam. Like Clinton, Lake was inspired by Kennedy. For Lake at the beginning, Vietnam offered a chance to take part in a national crusade; in a July 20, 1975, cover story for the *New York Times Magazine*, he recounted that in 1960 Kennedy had swept him away:

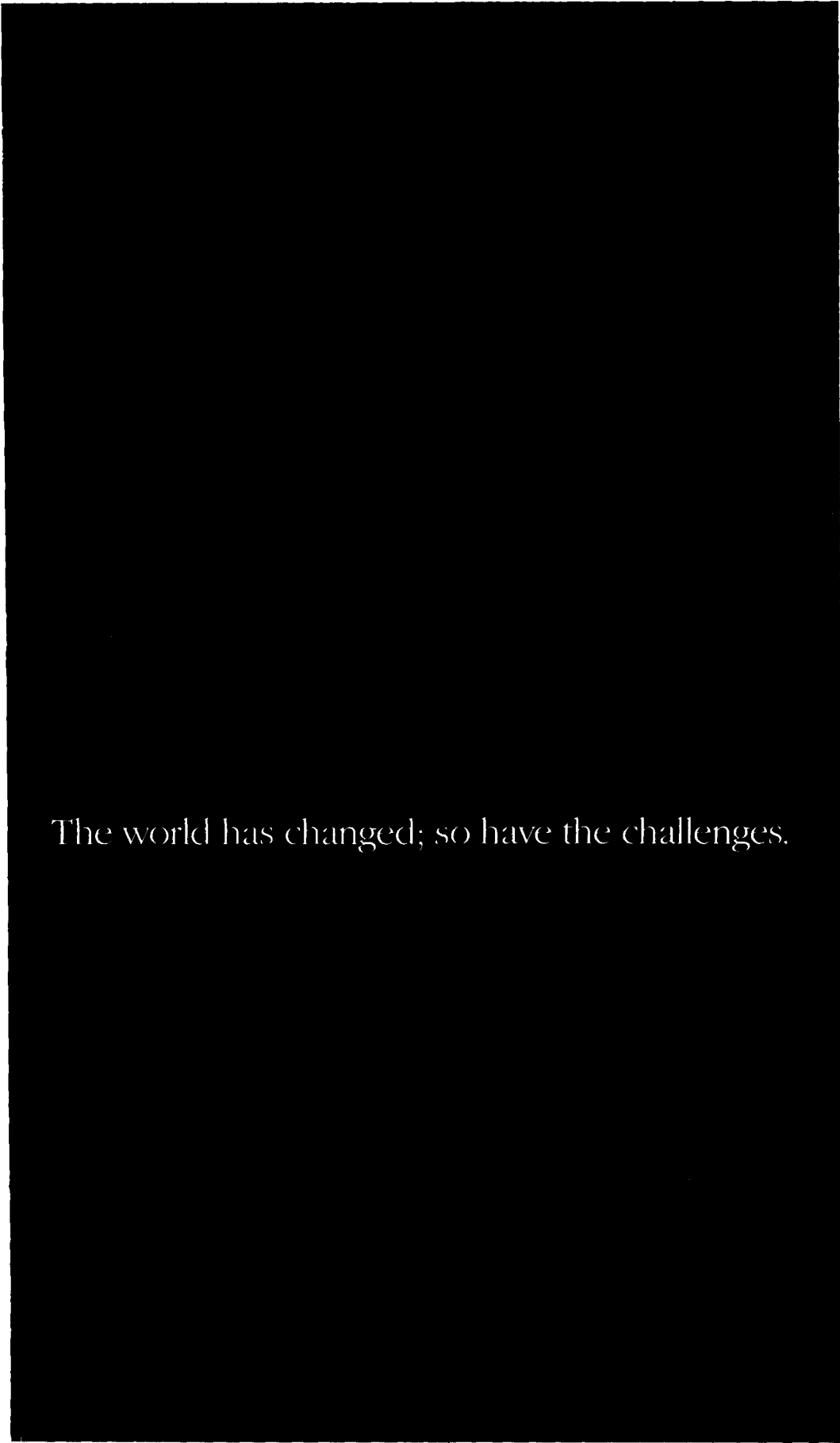
His confident smile and the almost hysterical adulation of the people (which I shared) produced an incredible sense of power—and the feeling that it could be harnessed to great purposes. As the car moved off, I desperately wanted to follow it. I wrote home that I wanted to concentrate on Asia because that was where the human problems were most intense, and I hoped to contribute in a small way to their alleviation.

At the beginning, Lake reveled in his stay in Vietnam,
continued on page 32

JACOB HEILBRUNN is University Fellow at the Center for German and European Studies, Georgetown University.



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where he served as special assistant to Ambassador Henry Cabot Lodge Jr., whose toughness impressed Lake. The constant danger engendered a heightened sense of being alive; while riding with soldiers in a jeep he was handed a carbine, and "with the gun came the hope that someone would fire at us. . . . Usually doubtful that I could shoot another person, at that moment I was emotionally prepared to do so." Gradually exhilaration turned to horror at the carnage; doubts, too, that the war was winnable brought Lake and his wife, Antonia, into opposition. Those doubts multiplied during an academic leave at Princeton from 1967-69. In 1969 he returned to the foreign service to become special assistant to Henry Kissinger in the naive hope that he could talk Kissinger into a pull-out.

He soon wised up. Lake quickly found himself embroiled in Kissinger's internecine staff wars as well as his incessant feuds with the State Department. He endured twelve months of Kissinger's temper tantrums and wiretapping, then resigned from the foreign service altogether in protest over the invasion of Cambodia. But even in leaving the NSC, he had to bear with a final staff intrigue; according to Morris's book *Haig: The General's Progress*, Alexander Haig, told by Kissinger to get Lake to rescind his resignation, instead commiserated with Lake: "He was very subtly working on all the feelings I had about leaving, all the embers of my resentment," Lake later said. "He knew what *he* wanted from me and he meant to get it." But in the end, Haig may have helped achieve something else—there was no stinging letter of resignation. With patrician reserve, Lake left as quietly as he had come.

After resigning, he worked as a foreign policy coordinator on the abortive Muskie campaign, followed by a stint as *project director* of the Carnegie Endowment, where he researched Third World development issues. The war never snapped his idealistic strand. "I made almost a conscious decision not to allow that to drive me into a kind of cynicism," he says. Anticipating Jimmy Carter's famous declaration that America deserved a government as good as its people, Lake wrote in his 1975 essay, "I am as interested now in the values held by our foreign policy-makers as I am in how intelligent they are."

Carter seemed to shine on both counts. Lake worked on his campaign, helped bring Vance on board and returned to State as director of policy planning. On a host of issues Lake ended up being one of Vance's most important aides. He worked on normalizing relations with China, on negotiations with Rhodesia—for his Princeton Ph.D. he wrote a study of the country, *The Tar Baby Option* (1976)—and on fashioning a human rights policy. Above all, he provided the intellectual firepower for Vance's battles with Brzezinski's NSC. In 1977 Carter delivered a speech at Notre Dame decrying America's "inordinate fear of communism." Lake was the principal author. "Through failure," declared Carter, "we have now found our way back to our own principles and values [and] can no longer separate the traditional issues of war and peace from the new global

questions of justice, equity and human rights." Lake, speaking in his own voice, had basically the same message. In a November 5, 1977, speech to the African Studies Association, he observed:

In recent years, we have come to look at the problems of the Third World more in their own right. . . . We *can* do so because we have come to appreciate better the limits to the influence of both the Soviet Union and the United States. . . . The structure of the international system is changing, gradually evolving from a "North" and a "South" into a global community in which all countries have responsibilities as well as rights.

The dilemma that Carter—and Lake—were unable to resolve was that between American power and morality. With Soviet expansionism on the rise, culminating in the December 1979 invasion of Afghanistan, Carter lunged back from morality to power politics. The tensions between the Vance and Brzezinski factions became apparent in Carter's 1979 West Point address, in which contradictory passages from separate speeches produced by the NSC and State Department were pasted together. Once again, Lake was the primary author of the State Department's version.

Just as Clinton was chastened by his first term as governor of Arkansas, so the Carter years apparently prompted Lake to recalibrate his approach to foreign policy. Although he has never questioned Carter's attempt to usher in a fundamental revision in the way in which the country conducts foreign affairs, he says that the fiasco in Iran taught him that diplomacy had to be backed by force. Nor has he hesitated to cast a cold eye on the Carter foreign policy record. His books *Third World Radical Regimes* (1985), which contrasts U.S. policy under Carter and Reagan, and *Somoza Falling* (1989) highlight his fair-mindedness but also suggest an impartiality and distaste for ideology that serves as a refuge from taking a firm stand.

Take *Third World Radical Regimes*. After noting that Americans demand decisive action abroad but are unwilling to pay much of a price—a persistent theme in Lake's writings—Lake goes on to contrast the Carter administration's regionalist approach with the Reagan administration's emphasis on viewing the most remote countries in the context of a global struggle against communism. Lake's restraint in claiming success for the Carter administration is striking: "In no case could regionalism be considered a domestic political success for the administration." At the same time, Lake lauds the Reagan administration's handling of Iran and Namibia, concluding that the pragmatists were sometimes able to carry out sensible policies. His final passage, that neither globalism nor regionalism should be followed in a doctrinaire fashion, reveals his penchant for statements that are fairly incontestable but lead to no firm conclusions. "The first requirement is for an understanding that a policy of pragmatism depends on leadership in Washington that consistently elucidates and educates," Lake concluded, "thus giving itself the political room it needs for maneuver abroad."

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And Lake's fixation with pragmatism is even more pronounced in *Somoza Falling*. Decrying the shift of power from the State Department to the NSC, Lake calls for a return to the tradition of staffing the NSC with career officers. What's more, he explicitly states that Carter's approach to Nicaragua represents a policy failure because it failed to achieve its purpose of removing Somoza and heading off the Sandinistas. Lake points to the domestic restraints Carter faced—"since Vietnam, anything more than the briefest American intervention abroad has been unpopular"—but the most important lesson he drew was that career officers were not sufficiently consulted. The fascinating thing about Lake's book is the implication that the Carter administration's political appointees, like the Reagan ideologues he criticized in separate articles, should have played a subordinate role to foreign service officers. His repugnance for ideology extends to both left and right.

Lake's pragmatism, however, wasn't the only thing propelling him centerward. In both books, there's a distinct whiff of nostalgia for the bipartisanship that marked foreign policy until the Establishment split on the rock of Vietnam. In *Our Own Worst Enemy* (1984), which he wrote with I. M. Destler and Leslie Gelb, Lake acknowledged that the "Establishment [cannot] be resurrected," but he called for recapturing the good that it represented—"namely, a centrist political force that can help the country stay on a steadier and publicly supportable policy course." Throughout the '80s Lake maintained a steady bipartisan drumbeat. In a March 23, 1987, *New York Times* op-ed, he urged Democrats to get behind Reagan on arms control because it was "an issue beyond partisanship"; and in a March 24, 1991, op-ed in the same paper, "Republicans Vs. Democracy," Lake, who had not taken a public stand on the Gulf war, inveighed against "partisans ... aiming at the Democrats. ... The worst wound they inflict may be on democracy itself."

This is foreign policy Gergenism; and in the brief history of Clinton's statesmanship, it has turned out to be the prevailing inspiration. Its first nostrum is internal collegiality. Last year Lake stated his hope for the administration: "I hope to see a year from now and beyond a group of senior national security officials who are as collegial and amicable as they are today." So far, he's been thoroughly successful: within the foreign policy apparatus, there's a notable lack of dissonance (except, ironically, from the civil service staff, three of whom have resigned on principle over Bosnia). Lake's obsessive loyalty to Secretary of State Warren Christopher means he adheres slavishly to his official role as an impartial mediator between State, Defense and the CIA. Even Brent Scowcroft, who studiously maintained a low profile under Bush, did not shrink from ever appearing on television and played a clear and important role in directing foreign policy, particularly during the Gulf war. In the weekly NSC Principal Committee's meetings, Lake unobtrusively guides the discussions; according to one participant, he never throws out the policy and says, "There it is." He explains his own role this way:

"The more visible I am, the more challenging everything I do is to the authority of the secretary of state. The more visible I am in a way, the less power I have."

The result of this chumminess is that it is hard to see where his colleagues' successes—and failures—end and where Lake's begin. He has not been a cipher, but his true role is difficult to decipher. When Yeltsin threw down the gauntlet to his opponents on March 20, calling for a referendum, Lake met with Ambassador-at-large Strobe Talbott, took him down to the president's office and sketched out the full range of possibilities for Clinton. Lake never deviated from full support of Yeltsin. At Vancouver he helped draft the statement backing Yeltsin; according to one senior official, he was a "quiet and guiding presence" in preparing Clinton for the summit. Lake pushed for aid to Yeltsin, and his low-key manner proved effective in persuading members of Congress to back the \$1.6 billion aid package. Since then, however, Talbott has taken over and is reportedly on the phone with Clinton at least once a day.

In the Middle East, Lake was key in persuading Clinton to back the Defense Department's plan for launching an air strike against Baghdad after Saddam refused on-site inspections. "It got his attention," says Lake. He believes the strike helped prompt North Korea to back down on its refusal of inspections. Lake believes that with the end of the cold war, non-proliferation has assumed even greater importance. "The harder part of non-proliferation," he notes, is "how much are you willing to interject [it] into our short-run relations with other nations." Lake was apparently central in persuading Russia not to export nuclear materials to India.

But it is in Bosnia—the central foreign policy issue of the administration so far—that the conundrum is most acute. Lake has managed to appear both more hawkish than the administration and yet completely loyal to it. He has advocated air strikes in Bosnia—a stand he first pushed Clinton to adopt during the campaign. Yet how firmly he has pushed Clinton on the issue is an open question. When I pressed Lake on the issue, he ducked. He stated anti-septically that "we are thinking through the questions and we are certainly acutely aware that we are making case law." He conceded that Bosnia may well be setting a precedent for Third World regimes, but "if you say that Bosnia is the test case ... it implies that the United States and the world community has the means to take care of every potential Bosnia around the world." He argued that "those things that have been done, in every case the U.S. urged them," taking credit for Western action. And then he argued, "The basic proposition is that it is very hard for us to act unilaterally," escaping blame for Western inaction.

He is also acutely aware of the domestic politics: he recalled that in teaching his students, they were always amazed to discover that it was the Kennedy liberals who dragged the United States into the Vietnam swamp. And so "while it tends to be the liberals who care the most about Bosnia—we must not intervene in ways that

tend to reinforce the wrong lessons. You have to not only care about Bosnia but be as smart as you can about it." Lake contends that the greatest danger in thinking about intervening in Bosnia is thinking in abstractions—"when you're thinking about killing people, you think about it in terms of practical implications.... That's why Abraham Lincoln rather than Churchill is my hero. He knew what he was doing and did it, which I think takes more courage than sort of glorying in it."

But Lake's involvement in the Bosnia policy—or non-policy—goes much deeper than this. Lake was primarily responsible for Clinton's tough talk during the campaign. Had Clinton never intended to take tough action, he should have remained silent on the issue instead of inflaming it. As Lake cautioned in "Do The Doable" in the spring 1984 *Foreign Policy*, "Americans find it hardest to maintain a sense of realism about their foreign policies during presidential campaigns.... Opponents portray alternative policies in terms that can only lead to later disillusion."

At the same time, Lake says that "what I would absolutely insist on is that what the interpretation of what [Undersecretary of State Peter] Tarnoff had said—which is that we would use multilateralism as a way to retreat from a vigorous defense of our interest abroad—is flatly and absolutely wrong."

Maybe so, but the administration's dithering has created the context in which reporters have seized on any stray statements as a sign of administration policy. And the most outrageous example of the administration's hiding behind the skirt of multilateralism was the alacrity with which it handed over veto power to U.N. Secretary-General Boutros Boutros-Ghali in bombing the Serbs.

What distinguishes Lake's foreign policy from Scowcroft's is therefore at this point no easy matter to determine. There is a vague commitment to "engagement" and "values"; there is commitment to Bosnia and remarkable inaction about it; there is realism and then there is idealism. By the end of a conversation with Lake, one is almost relieved to hear his bureaucratic

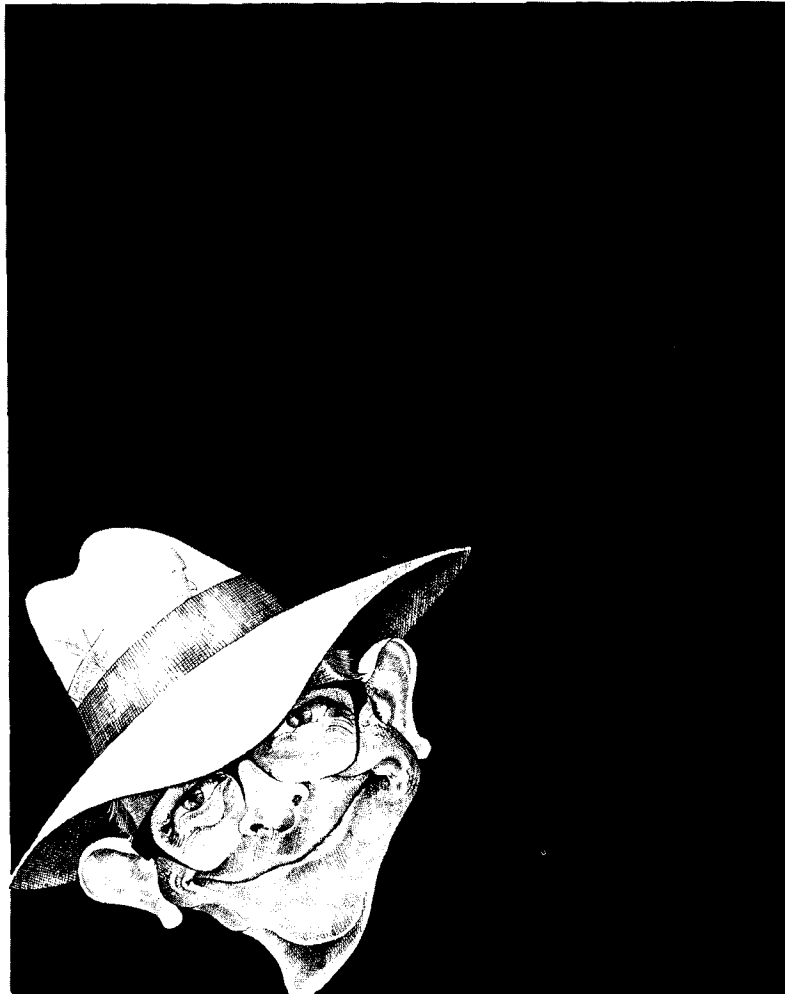
enunciation of the four principles behind his statecraft: recognizing the new importance of economic relations with Asia, restructuring the defense budget, focusing on non-proliferation and promoting democracy in Russia.

Beyond that, a unifying theme is elusive. There isn't even Bush's New World Order. "I'm skeptical about doctrines on immensely complicated and difficult issues [that] have all the answers before you ask the questions," says Lake. He asserts that "one problem is that until now there was a central issue around which you could define doctrines or not," but the truth is that Lake's pragmatism has always pushed him to reject doc-

trines, even during the cold war. In his 1977 speech to the African Studies Association, for instance, he concluded that "the time has passed when we can think in terms of any doctrine, whether derived from Munich or Vietnam." And this is reflected even in Lake's bureaucratic decision-making. He has confined himself to creating a number of new directorates and inter-agency groups at the NSC, including ones for Russia, the environment and non-proliferation.

In a tutorial, Lake makes an incomparable professor. A quintessential Clintonian, his early idealism is now exquisitely tempered by a recently acquired realism. On paper, his foreign policy advice is intellectually impressive, his

Establishment pedigree unimpeachable. But that, of course, is not all that's required for successful foreign policy-making. When countries are invaded, when civilian populations are systematically terrorized and exterminated, as is now the case in Bosnia, something beyond the perfect intellectual portfolio is sometimes required. It is something an Anthony Lake, if not a Warren Christopher, should recognize. Lake wrote in *After the Wars* (1991) that the United States cannot base its foreign policy "only on a narrow definition of national interests.... The answer we give will also... offer judgment on our contemporary character." He would do well to remember that even professors have to come down on one side or the other. •



ANTHONY LAKE BY VINT LAWRENCE FOR THE NEW REPUBLIC

BOOKS & The Arts

Stanley Kauffmann on Films

The Reality Game

About two-thirds of the way through **The Fugitive** (Warner Bros.), there's a good sequence. A short one. Harrison Ford plays a highly competent physician-surgeon who, for plot reasons, is hiding from the law and is masquerading as a custodial assistant in his own hospital. In a corridor he sees a doctor misdiagnose an emergency case and order the patient to be taken to the wrong division. Ford, risking a lot, nonetheless intervenes, wheels the gurney along, diagnoses the case as he goes, delivers the patient to the right service and saves a life. It's the picture's one original touch, contrived, of course, but at least it generates sympathy.

Most of this gargantuan screenplay by Jeb Stuart and David Twohy, derived from T.V. antecedents, is a patchwork of familiar stuff newly touched up, like old stock-company scenery repainted for a new show. Once again we have a hero who has been leading a sedentary life who plunges into a situation where he undergoes a rapid succession of physical exertions that would paralyze a SWAT commander who was also a decathlon champ. Ford is in a bus taking him and some other prisoners to a penitentiary for execution when an accident overturns the bus. (Predictable corn.) It rolls over and over down a slope and ends up on a railroad track in the path of an oncoming train. Ford extricates himself in time, handcuffed and shackled though he is, is unchained by another prisoner who has the keys, flees through woods for miles though he has an injured side, fakes his way into a country hospital where he mends his side with

some stitches ("Physician," he does *not* say, "heal thyself"), escapes in a commandeered ambulance and is trapped in a vehicular tunnel by the cops. He burrows his way out through a complex of sewers and ends up on the brink of (I'd guess) a 200-foot drop above a rushing stream. With the police behind him, he dives, survives, swims to shore downstream despite helicopter and other searches and continues in this mode for another hour and a half.

The basic plot gimmick is venerable: the wrongly accused man whose only hope is to find the real criminal himself. (*The Thirty-Nine Steps*, etc. etc.) The director tips the ending by casting an actor known for his heavies as the seemingly good guy who is finally unmasked. But the hoariness of the gimmick, the creaks of coincidence, the patness of narrow escapes, are naught besides the great sin that *The Fugitive* commits, the sin (often noted in this column) in which so many American films join: the

corruption of realism.

Cultural historians of the future may well trace the course of realism from its origins some 150 years ago through its beneficences in art to our own century, in which, most especially in this country, it has been so disgustingly prostituted. In medicine, as in some plays and films of the past, sugar coats the bitter pill. In the art of our time the process has been reversed: a bitter coating of realism encases a saccharine center. All the police details in *The Fugitive* have, I'm sure, been scrupulously researched and carefully reproduced, likewise all the hospital details. To an end of sheer fantasy. In nineteenth-century melodrama the fakery was presented as just that. *Bertha, the Sewing Machine Girl* didn't pretend to depict working conditions accurately: they were just a setting for thrills and chills. Nowadays, after decades of veristic details used for veristic ends, we want our sorriest trash wrapped comfortingly in verism.

Harrison Ford must have to keep nudging himself to remember which particular picture he's in at the moment. The only acting of interest comes from Tommy Lee Jones as the federal marshal pursuing him. It, too, is a familiar role, the experienced, humorous cop-in-charge who, in the middle of a mess, suddenly orders coffee and doughnuts to assure us that he knows what he's doing and that he's going to get his man. But Jones's dialogue is savory, and he savors it. The credits say that the director was Andrew Davis; it could have been any one of twenty professionals.

The only incredible touch in **Searching for Bobby Fischer** (Paramount) is the residence of the central family. Joe Mantegna plays a newspaper sports writer who lives, with wife and two children, in a large, luxuriously furnished townhouse near Washington Square in Manhattan. Er, what newspaper was that?

The idea of the film is more than credible, it's factual. The main figure is a 7-year-old boy, Josh Waitzkin, who displays

FILMS WORTH SEEING

Betty. Claude Chabrol's latest, about a young dissolute woman who doesn't really want to halt her dissolution, is very French—and is, naturally, very well directed. (Reviewed 9/13/93) **Guelwaar.** Ousmane Sembène, the film laureate of Senegal, works, as usual, through simplicity to depth. A seemingly farcical loss of a corpse just before a funeral discloses religious and social rifts in a village. (8/30/93) **In the Line of Fire.** Clint Eastwood, as a Secret Service agent who feels responsible for JFK's murder, guards the current president against a brilliant would-be assassin. Top-notch entertainment. (8/9/93) **Much Ado About Nothing.** Kenneth Branagh directed and played Benedick, with his wife, Emma Thompson, as Beatrice, and happiness flows therefrom. Even the four out-of-place Americans in the cast can be overlooked. (5/10/93) —SK

a genius for chess. He existed and exists. The film treats the dilemmas that the boy's genius presents, first to the parents, who adore and encourage him, and then to the boy himself. In the course of the story the mother (Joan Allen) is always instinctively right in her decisions; the father (Joe Mantegna) always means the best for the boy but sometimes makes mistakes. Perhaps the Waitzkin household did in fact embody these archetypes of fiction: life sometimes does.

But the picture is a lot less than engrossing because the writer-director, Steven Zaillian, has loaded it with sententiousness—in both his writing and directing. Young Josh has two chess maestros, a

black man who plays professionally in Washington Square (Laurence Fishburne) and a retired great chess teacher (Ben Kingsley) who comes out of retirement when he sees the genius in the boy—potentially the next Bobby Fischer. Both these teachers are given Moses-on-the-mountaintop utterances, in their own idioms, that manage at the same time to be both thin and burdensome.

Fishburne's are somewhat more endurable because his character is comprehensible. Kingsley's is not. A fine actor, he tries to make some wholeness out of this man with an Italian name and a Scottish accent who has some sort of shadow in his past, never specified.

Robert Stephens, another fine actor, is hauled in for an even less comprehensible performance as another chess maestro who has had some sort of freighted relationship with Kingsley that is never explained. All is vacuously portentous.

The same can be said of Zaillian's direction. This is a straightforward human-interest story, or could have been, but Zaillian treats it visually as if it were Charlotte Brontë illustrated by Arnold Böcklin—the immense yet vague close-ups, distortions of environment and other arty baggage. Max Pomeranc is the boy and is unobjectionable. That's something—in a picture that is not, though it pretends to be, of cosmic import. •

Why civil liberties pose no threat to civil rights.

Let Them Talk

BY HENRY LOUIS GATES JR.

I.

“As a thumbnail summary of the last two or three decades of speech issues in the Supreme Court,” the great First Amendment scholar Harry Kalven Jr. wrote in 1965 in *The Negro and the First Amendment*, “we may come to see the Negro as winning back for us the freedoms the Communists seemed to have lost for us.” Surveying the legal scene in the heyday of the civil rights era, Kalven was confident that civil rights and civil liberties were marching in unison; that their mutual expansion represented, for a nation in a time of tumult, an intertwined destiny. He might have been surprised had he lived to witness the shifting nature of their relations. Today the partnership named in the title of his classic book seems hopelessly in disrepair. Civil liberties are regarded by many as a chief obstacle to civil rights. To be sure, blacks are still on the front lines of First Amendment jurisprudence—but this time we soldier on the other side. The byword among many black activists and black intellectuals is no longer the political imperative to protect free speech; it is the moral imperative to suppress “hate speech.”

Like such phrases as “pro-choice” and

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“pro-life,” the phrase “hate speech” is ideology in spangly form. It is the term-of-art of a movement, most active on college campuses and in liberal municipalities, that has caused many civil rights activists to rethink their allegiance to the First Amendment, the very amendment that licensed the protests, the rallies, the organization and the agitation that galvanized the nation in a recent, bygone era. Addressing the concerns of a very different

Words That Wound:

Critical Race Theory, Assaultive Speech and the First Amendment

by Mari J. Matsuda, Charles R. Lawrence III, Richard Delgado and Kimberlè Williams Crenshaw (Westview Press, 160 pp., \$46.50, \$15.95 paper)

time, the hate speech movement has enlisted the energies of some of our most engaged and interesting legal scholars. The result has been the proliferation of campus speech codes as well as municipal statutes enhancing penalties for bias crimes.

No less important, however, is the opportunity that this movement has provided, for those outside it, to clarify and to rethink the meaning of their commitment to the freedom of expression. It is an opportunity, I must say, that we have miserably bungled. Content with soundbites and one-liners, our deliberations on the subject have

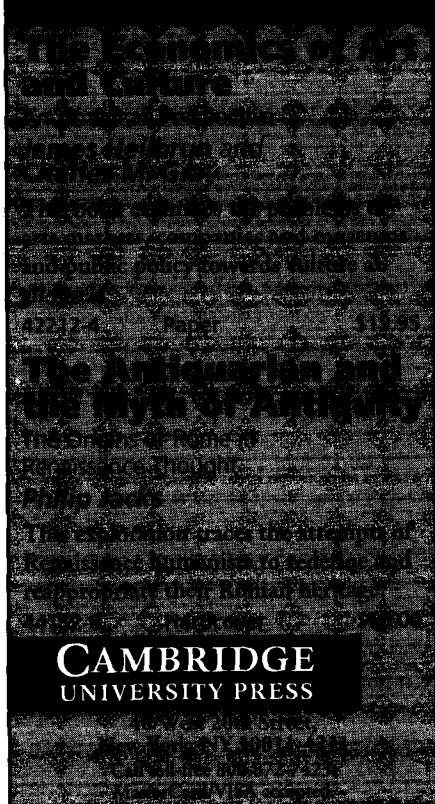
had all the heft of a talk-show monologue. Free speech? You get what you pay for.

The irony that lurks behind this debate, of course, is that the First Amendment may be the central article of faith in the civil religion of America, if America has a civic religion. “It’s a free country,” we say, and shrug; and what we usually mean is that you can say what you please. “Sticks and stones can break my bones,” we are taught to chant as children, “but words can never hurt me.” As Catharine MacKinnon writes with some asperity in *Only Words*, her new book, Americans

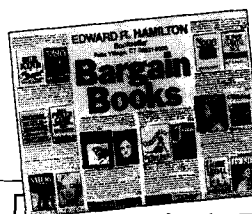
are taught this view by about the fourth grade, and continue to absorb it through osmosis from everything around them for the rest of their lives... to the point that those who embrace it think it is their own personal faith, their own original view, and trot it out like something learned from their own personal lives every time a problem is denominated one of “speech,” whether it really fits or not.

The strongest argument for regulating hate speech is the unreflective stupidity of most of the arguments for the other side. I do not refer to the debate as it has proceeded in the law reviews, where you find a quality of caution, clarity and tentativeness that has made few inroads into the larger public discourse; the law professors who offer the best analysis of public discourse exert very little influence on it. And this leaves us with a familiar stalemate. On the one

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side are those who speak of "hate speech," a phrase that alludes to an argument instead of making it; and to insist on probing further is to admit that you "just don't get it." On the other side are those who invoke the First Amendment like a mantra and seem immediately to fall into a trance, so oblivious are they to further discussion and evidence. A small number of anecdotes, about racism on campus or about P.C. inquisitions on campus, are endlessly recycled, and a University of Pennsylvania undergraduate named Eden Jacobowitz, of "water buffalo" fame, becomes a Dreyfus *de nos jours*.

There is also a practical reason to worry about the impoverishment of the national discourse on free speech. If we keep losing the arguments, then we may slowly lose the liberties that they were meant to defend. We may come to think that the bad arguments are the only arguments, and when someone finally disabuses us of them, we may switch sides without ever considering the better arguments for staying put. That is why, for all the pleasures of demonology, the burgeoning literature urging the regulation of racist speech has a serious claim on our attention.

Now Westview Press has conveniently collected the three most widely cited and influential papers making the case for the regulation of racist speech. (The collection also includes a provocative essay by Kimberlè Williams Crenshaw about the conflicting allegiances posed by race and gender.) Gathered together for the first time, these essays—which originally appeared in law reviews over the past several years, and were circulated more widely through the samizdat of the photocopier—complement each other surprisingly well. Their proximity to each other casts light on their strengths and their weaknesses.

The authors of these proposals are "minority" law professors who teach at mainstream institutions—Mari J. Matsuda and Charles R. Lawrence III at Georgetown and Richard Delgado at the University of Colorado. They write vigorous and accessible prose. They are, one can fairly say, the legal eagles of the crusade against racist hate speech. But they are also, as the subtitle of their collection suggests, the principal architects of critical race theory, which is one of the most widely discussed trends in the contemporary legal academy; and their jointly written introduction to the volume serves as the clearest manifesto that the movement has yet received.

Critical race theory, we learn, owes its "social origins" to a student boycott of a

Harvard Law School course in 1981. The course was called "Race, Racism and American Law," and the university failed to accede to student demands that it be taught by a person of color. Organizing an informal alternative course, students invited lawyers and law professors of color to lecture weekly on the topic. Crenshaw was one of the student organizers of the alternative course, Matsuda was one of its participants and Delgado and Lawrence were among its guest lecturers. And thus was formed the nucleus of "a small but growing group of scholars committed to finding new ways to think about and act in pursuit of racial justice."

The intellectual ancestry of the movement is more complicated, but its two main progenitors are the brand of feminist theory associated with MacKinnon and the radical skepticism toward traditional black-letter pieties associated with critical legal studies. Almost invariably, the literature arguing for hate speech regulation cites MacKinnon as an authority and a model, and takes on one or more of the traditional legal distinctions (such as the distinction between "private" and "public") whose dismantling is a staple of critical legal studies. So it is no surprise that conservative pundits denounce these theorists of hate speech as faddish foes of freedom. In fact, one could more accurately describe their approach as neotraditional. And those conservatives who dream of turning the cultural clock back to the '50s should realize that the First Amendment law of those years is precisely what these supposedly faddish scholars wish to revive.

For the conventional lay defense of free speech absolutism, and its concomitant attack on those who would curtail free speech, suffers from a bad case of historical amnesia. Just as Samuel Johnson thought he could refute Bishop Berkeley just by kicking a stone, the armchair absolutists often think that they can win the debate just by adducing the authority of the First Amendment itself. The invocation is generally folded together with a vague sort of historical argument. The First Amendment, we are told, has stood us in good stead through more than two centuries; and our greatness as a society may depend on it. The framers of the Constitution knew what they were doing, and (this is directed to those inclined to bog down in interpretative quibbles) in the end the First Amendment means what it says.

The only flaw of this uplifting and well-rehearsed argument is that it is false. Indeed, the notion that the First

Amendment has been a historical mainstay of American liberty is an exemplary instance of invented tradition. To begin with, the First Amendment was not conceived as a protection of the free speech of citizens until 1931. Before then, the Court took the amendment at its word: "Congress shall make no law..." Congress could not; but states and municipalities could do what they liked. And so it is no surprise that once the Supreme Court recognized freedom of expression as a right held by citizens, the interpretation of its scope still remained quite narrow. This changed after World War II, when the Warren Court gradually ushered in a more generous vision of civil liberties. So the expansive ethic that we call the First Amendment, the eternal verity that people either celebrate or bemoan, is really only a few decades old.

But the hate speech movement is not content with rehearsing the weaknesses in the absolutist position. It has also aligned itself with earlier traditions of jurisprudence—here the movement's atavism is most obvious—by showing that the sort of speech it wishes to restrict falls into two expressive categories that the Supreme Court has previously held (and, the advocates of restrictions argue, correctly held) to be undeserving of First Amendment protection. The categories are those of "fighting words" and group defamation, as exemplified by cases decided in 1942 and 1952.

The doctrine of "fighting words" was promulgated by the Supreme Court in *Chaplinsky v. New Hampshire* (1942), in which the Court held that the Constitution did not protect "insulting or 'fighting' words—those that by their very utterance inflict injury or tend to incite an immediate breach of the peace." "Such utterances are no essential part of any exposition of ideas," Justice Murphy wrote for the majority, "and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality." Those who would regulate hate speech argue that racist abuse is a variety of, or "functionally equivalent to," the sort of language that the *Chaplinsky* decision declared to be unprotected; indeed, the carefully drafted speech code adopted by Stanford University in 1990 explicitly extends only to "fighting words" or symbols, thus wearing its claim to constitutionality on its face. If *Chaplinsky* can shoulder the legal and ethical burdens placed upon it, the regulationists have

a powerful weapon on their side.

Can it? Probably not. To begin with, it is an open question whether *Chaplinsky* remains, as they say, "good law." For the Supreme Court, in the fifty years since *Chaplinsky*, has never once affirmed a conviction for uttering either "fighting words" or words that "by their very utterance inflict injury." Indeed, in part because of this functional desuetude, in part because of the supposed male bias of the "breach of the peace" prong (men being more likely than women to throw a punch), the editors of the *Harvard Law Review* recently issued a call for the doctrine's explicit interment. So much for

the doctrine's judicial value.

The young scholars at the *Harvard Law Review* also note, with others, that statutes prohibiting "fighting words" have had discriminatory effects. An apparently not atypical conviction, upheld by the Louisiana state court, was occasioned by the following exchange between a white police officer and the black mother of a young suspect. He: "Get your black ass in the goddamned car." She: "You goddamn motherfucking police—I am going to [the superintendent of police] about this." No prize for guessing who was convicted for "fighting words." As the legal scholar Kenneth Karst reports,



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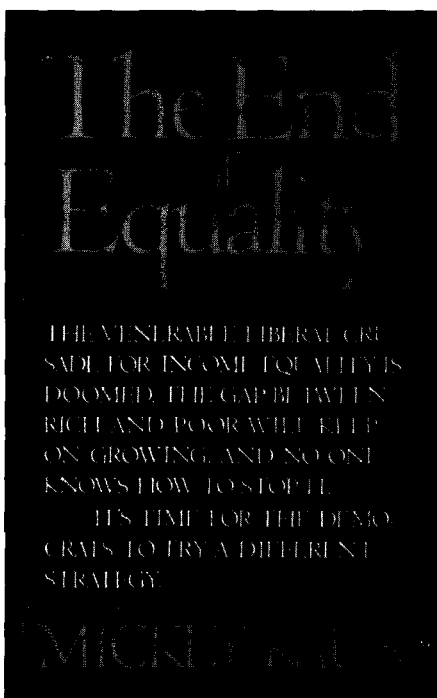
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"Statutes proscribing abusive words are applied to members of racial and political minorities more frequently than can be wholly explained by any special proclivity of those people to speak abusively." So much for the doctrine's political value.

Even if we finally reject the appeal to *Chaplinsky*, the hate speech movement can still link itself to constitutional precedent through the alternative model of group defamation. Indeed, the defamation model is more central, more weighty, in these arguments. And note that these are alternatives, not just different ways of describing the same thing. The "fighting words" or "assaultive speech" paradigm compares racist expression to physical assault: at its simplest, it characterizes an act of aggression between two individuals, victim and victimizer. The defamation paradigm, by contrast, compares racist speech to libel, which is an assault on dignity or reputation. The harm is essentially social; to be defamed is to be defamed in the eyes of other people.

Here the guiding precedent is Justice Frankfurter's majority opinion in the case of *Beauharnais v. Illinois* (1952), in which the Court upheld a conviction under an Illinois group libel ordinance. The ordinance was clumsily written, but it essentially prohibited public expression that "portrays depravity, criminality, unchastity or lack of virtue in a class of citizens of any race, color, creed or religion," thereby exposing them to "contempt, derision or obloquy." In Frankfurter's opinion: "If an utterance directed at an individual may be the object of criminal sanctions we cannot deny to a state power to punish the same utterance directed at a defined group," at least as long as the restriction related to the peace and well-being of the state.

Beauharnais v. Illinois has since fallen into judicial disrepute, having been reversed in its particulars by subsequent cases like the celebrated *Sullivan v. New York Times*. Indeed, more widely cited than Justice Frankfurter's opinion is Justice Black's dissent: "If there be minority groups who hail this holding as their victory, they might consider the possible rel-

evancy of this ancient remark: 'Another such victory and I am undone.'" And yet Frankfurter's claim for the congruence of individual libel and group libel is not implausible, and many critical race theorists argue for its resurrection. Thus MacKinnon urges "the rather obvious reality that groups are made up of individuals." That is why "libel of groups multiplies rather than avoids the very same damage through reputation which the law of individual libel recognizes when done one at a time, as well as inflicting some of its own."

What is wrong with the basic claim, endorsed by judges and scholars across the ideological spectrum, that group

available for sexual exploitation. A proposition of that form may be right or wrong, but it cannot be true or false. You cannot libel someone by saying, "I despise you"; but that is precisely the message common to most racial epithets. "Nigger," used in the vocative, is not usefully treated as group libel for the same reason that it is not usefully treated as individual libel.

II.

Critical race theory is strongest not when it seeks to establish a bridgehead with constitutional precedent, but when it frontally contests what has recently emerged as a central aspect of Supreme Court First Amendment doctrine: the principle of content and viewpoint neutrality. That principle is meant to serve as a guide to how speech can permissibly be regulated, ensuring basic fairness by preventing the law from favoring one partisan interest over another. So, for example, a law forbidding the discussion of race would violate the principle of content-neutrality, which is held to be a bad thing; a law forbidding the advocacy of black supremacy would violate the principle of viewpoint-neutrality, which is held to be a worse thing. When the Minnesota Supreme Court affirmed the content-sensitive hate speech ordinance at

issue in *RAV v. St. Paul*, it cited Mari J. Matsuda's work in reaching its conclusions. When Justice Scalia reversed and invalidated the ordinance on the grounds of viewpoint discrimination, he was implicitly writing against Matsuda's argument. These are not mere conflicts of academic vision; these are arguments with judicial consequences.

Matsuda's rejection of what she calls the "neutrality trap" is, to my mind, the most powerful element of her argument. Rather than trying to fashion neutral laws to further our social objectives, why not put our cards on the table and acknowledge what we know? As an example of where the neutrality trap leads, Matsuda cites the anti-mask statutes that many states passed "in a barely disguised



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libel is just individual libel multiplied? Begin with the assumption that individual libel involves the publication of information about someone that is both damaging and false. Charles Lawrence III inadvertently directs us to the source of the problem. The racial epithet, he writes, "is invoked as an assault, not as a statement of fact that may be proven true or false." But that suggests that the evaluative judgments characteristic of racial invective do not lend themselves to factual verification—and this is where the comparison with individual libel breaks down. The same problem emerges when MacKinnon identifies pornography as an instance of group defamation whose message is (roughly) that it would be nice if women were

effort to limit Ku Klux Klan activities”:

These statutes purportedly cover the wearing of masks in general, with no specific mention of the intent to control the Klan. Neutral reasons such as the need to prevent pickpockets from moving unidentified through crowds or the need to unmask burglars or bank robbers are proffered for such statutes. The result of forgetting—or pretending to forget—the real reason for anti-mask legislation is farcical. Masks are used in protest against terrorist regimes for reasons both of symbolism and personal safety. Iranian students wearing masks and opposing human rights violations by the Shah of Iran, for example, were prosecuted under a California anti-mask statute.

I call here for an end of such unknowing. We know why state legislatures—those quirkily populist institutions—have passed anti-mask statutes. It is more honest, and less cynically manipulative of legal doctrine to legislate openly against the worst forms of racist speech, allowing ourselves to know what we know.

What makes Matsuda’s position particularly attractive is that she offers a pragmatic, pro-civil liberties argument for content-specificity:

The alternative to recognizing racist speech as qualitatively different because of its content is to continue to stretch existing First Amendment exceptions, such as the “fighting words” doctrine and the “content/conduct” distinction. This stretching ultimately weakens the First Amendment fabric, creating neutral holes that remove protection for many forms of speech. Setting aside the worst forms of racist speech for special treatment is a non-neutral, value-laden approach that will better preserve free speech.

At the very least, this approach would promise a quick solution to the abuse of “fighting words” ordinances. Consider Matsuda’s own approach to legal sanctions for racist speech. By way of distinguishing “the worst, paradigm example of racist hate messages from other forms of racist and non-racist speech,” she offers three identifying characteristics:

- (1) The message is of racial inferiority.
- (2) The message is directed against a historically oppressed group.
- (3) The message is persecutory, hateful and degrading.

The third element, she says, is “related to the ‘fighting words’ idea”; and the first “is the primary identifier of racist speech”; but it is the second element that “attempts to further define racism by recognizing the connection of racism to power and subordination.”

The second element is the one that most radically departs from the current requirement that law be neutral as to content and viewpoint. But it would seem to forestall some of the abuses to which earlier speech ordinances have been put, simply by requiring the victim

of the penalized speech to be a member of a “historically oppressed group.” Surely there is something refreshingly straightforward about the call for “an end to unknowing.”

Is Matsuda on to something? Not quite. Ironically enough, what trips up the content-specific approach is that it can never be content-specific enough. Take a second look at Matsuda’s three identifying characteristics of paradigm hate speech. First, recall, that the message is of racial inferiority. Now, Matsuda is clear that she wants her definition to encompass, *inter alia*, anti-Semitic and anti-Asian prejudice; but anti-Semitism (as the philosopher Laurence Thomas,

who is black and Jewish, observes) traditionally imputes to its object not inferiority, but iniquity. Moreover, anti-Asian prejudice often more closely resembles anti-Semitic prejudice than it does anti-black prejudice. Surely anti-Asian prejudice that depicts Asians as menacingly superior, and therefore as a threat to “us,” is just as likely to arouse the sort of violence that notoriously claimed the life of Vincent Chin ten years ago in Detroit.

More obviously, the test of membership in a “historically oppressed” group is either too narrow (just blacks) or too broad (just about everybody). Are poor Appalachians, a group I knew well from growing up in a West Virginia mill town,



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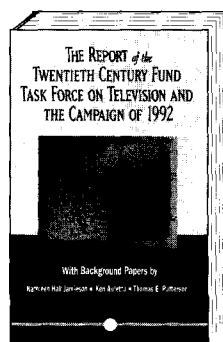
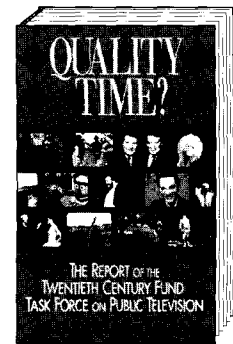
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"historically oppressed" or "dominant group members"? Once we adopt the "historically oppressed" proviso, I suspect, it is a matter of time before a group of black women in Chicago are arraigned for calling a policeman a "dumb Polak." Evidence that Poles are a historically oppressed group in Chicago will be in plentiful supply; the policeman's grandmother will offer poignant firsthand testimony to that.

III.

The critique of neutrality would affect not simply how we draft our ordinances, but also how we conduct our litigation. One quickly moves from asking whether our statutes can or should be neutral to asking whether the adjudication of these statutes can or should be neutral. Indeed, many legal pragmatists, mainstream scholars and critical race theorists converge in their affirmation of the balancing approach toward the First Amendment and their corresponding skepticism toward what could be called the "Skokie school" of jurisprudence. When the American Civil Liberties Union defended the right of neo-Nazis to march in Skokie, a predominantly Jewish suburb of Chicago where a number of Holocaust survivors lived, they wished to protect and to fortify the constitutional right at issue. Indeed, they may have reasoned, if a civil liberty can be tested and upheld in so odious an exercise of it, then the precedent will strengthen it for all the less obnoxious cases where it may be disputed in the future. Hard cases harden laws.

The strategy of the Skokie school relies on a number of presuppositions that critical legal theorists and others regard as doubtful. Most importantly, it is premised on the neutral operation of principle in judicial decisionmaking. But what if judges really decided matters in an unprincipled and political way, and invoked principles only by way of window dressing? In cases close-run enough to require the Supreme Court to decide them, precedent and principle

are elastic enough, or complex enough, that justices can often decide either way without brazenly contradicting themselves. And even if the justices want to make principled decisions, it may turn out that the facts of the case—in the real-world cases that come before them—are too various and complicated ever to be overdetermined by the rule of precedent, *stare decisis*. In either event, it could turn out that defending neo-Nazis was just defending neo-Nazis.

Moreover, it may be that the sort of formal liberties vouchsafed by this process are not the sort of liberties that we need most. Perhaps we have been overly impressed by the frisson of defending

civil rights protesters in the '60s and '70s. Granted, this may not constitute proof, which is an elusive thing in historical argument, but such cases do provide good prima facie reason to think that the Skokie school has pragmatic justification, not just blind faith, on its side.

Another problem with the abandonment of principled adjudication is what it leaves in its wake: the case-by-case balancing of interests. My point is not that "normal" First Amendment jurisprudence can completely eschew balancing, but there is a difference between employing it in background or *in extremis* and employing it as the first and only approach. An unfettered regime of balancing admits too much to judicial inspection. What we miss when we dwell on the rarefied workings of high court decisionmaking is the way in which laws exert their effects lower down the legal food chain. It's been pointed out that when police arrest somebody for loitering or disorderly conduct, the experience of arrest—being hauled off to the station and fingerprinted before being released—often is the punishment. And "fighting words" ordinances have lent themselves to similar abuse. Anthony D'Amato, a law professor at Northwestern, makes a crucial and often overlooked point when he argues: "In some areas of law we do not want judges to decide cases at all—not justly or any other way. In these areas, the mere possibility of judicial decisionmaking exerts a chilling effect that can undermine what we want the law to achieve."

But what if that chilling effect is precisely what the law is designed for? After all, one person's chill is another person's civility. It is clear, in any event, that all manner of punitive speech regulations are meant to have effects far beyond the classic triad of deterrence, reform and retribution.

IV.

The main appeal of speech codes usually turns out to be expressive or symbolic rather than consequential. That is, their advocates do not depend



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bad people for good causes, when the good consequences are at best conjectural and the bad ones real and immediate. Perhaps, these critics conclude, it is time to give up the pursuit of abstract principles and instead defend victims against victimizers, achieving your results in the here-and-now, not in the sweet hereafter.

There is something to this position, but it is, like the position it is meant to rebuff, overstated. Nadine Strossen of the ACLU can show, for example, that the organization's winning First Amendment defense of the racist Father Terminiello in 1949 bore Fourteenth Amendment fruit when the ACLU was able to use the landmark *Terminiello* decision to defend the free speech rights of

on the claim that a speech-code statute will spare certain groups some foreseeable amount of psychic trauma. They say, rather, that such a statute expresses a university's opposition to hate speech and bigotry; and more positively, that it symbolizes a commitment to tolerance, to the creation of an educational environment in which mutual colloquy and comity are preserved.

In this spirit Matsuda writes that "a legal response to racist speech is a *statement* that victims of racism are valued members of our polity," and that "in a society that *expresses* its moral judgments through the law," the "absence of laws against racist speech is telling." In this same spirit Delgado suggests that a tort action for racist speech would have the effect of "*communicating* to the perpetrator and to society that such abuse will not be tolerated either by its victims or by the courts" (italics mine). And also in this spirit Thomas Grey, the Stanford law professor who helped draft the campus speech regulations there, counsels that "authorities make the most effective statement when they are honestly concerned to do something *beyond* making a statement," thus "putting their money where their mouth is." The punitive function of speech codes is thus enlisted to expressive means, as a means of bolstering the credibility of the anti-racist statement.

Still, once we have admitted that the regulation of racist speech is partly or wholly a symbolic act, we must register the force of the other symbolic considerations that may come into play. Thus, even if you think that the notion of free speech contains logical inconsistencies, you need to register the symbolic force of its further abridgement. And it is this level of scrutiny that may tip the balance in the other direction. The controversy over flag-burning is a good illustration of the two-edged nature of symbolic arguments. Safeguarding the flag may symbolize something nice for some of us, but safeguarding our freedom to burn the flag symbolizes something nicer for others of us.

Note, too, that the expressivist position suffers from an uncomfortable contradiction. A university administration that merely condemns hate speech, without mobilizing punitive sanctions, is held to have done little, to have offered "mere words." And yet this skepticism about the power of "mere words" comports oddly with the attempt to regulate "mere words" that, since they are spoken by those not in a position of authority, would seem to have even less symbolic force. Why is it "mere words" when a university only condemns racist speech,

but not "mere words" that the student utters in the first place? Whose words are "only words"? Why are racist words deeds, but anti-racist words just lip service?

And is the verbal situation really as asymmetrical as it first appears? Surely the rebuke "racist" also has the power to wound. One of the cases that arose under the University of Michigan speech code involved a group discussion at the beginning of a dentistry class, in which the teacher, a black woman, sought to "identify concerns of students." A student reported that he had heard, from his roommate, who was a minority, that minority students had a hard time in the class and were not treated fairly. In response, the outraged teacher lodged a complaint against the student for having accused her (as she perceived it) of racism. For this black woman, at least, even an indirect accusation of racism apparently had the brunt of racial stigmatization.

One other paradox fissures the hate speech movement. Because these scholars wish to show that substantial restrictions on racist speech are consistent with the Constitution, they must make the case that racist speech is sui generis among offensive or injurious utterances; otherwise the domain of unprotected speech would mushroom beyond the point of constitutional and political plausibility. "Words That Wound," the title of Delgado's pioneering essay, designates a category that includes racist speech but is scarcely exhausted by it. Nor could we maintain that racist insults, which tend to be generic, are necessarily more wounding than an insult tailor-made to hurt someone: being jeered at for your acne or your obesity may be far more hurtful than being jeered at for your race or your religion.

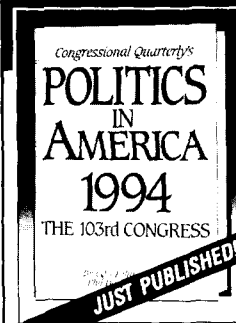
Alert to this consideration, scholars like Matsuda, Lawrence and Delgado argue that racist speech is peculiarly deserving of curtailment precisely because it participates in (and is at least partly constitutive of) the larger structures of racism that are "hegemonic" in our society. "Black folks know that no racial incident is 'isolated' in the United States," writes Lawrence:

That is what makes the incidents so horrible, so scary. It is the knowledge that they are not the isolated unpopular speech of a dissident few that makes them so frightening. These incidents are manifestations of a ubiquitous and deeply ingrained cultural belief system, an American way of life.

To this consideration Matsuda annexes the further argument that what distin-

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guishes racist speech from other forms of unpopular speech is "the universal acceptance of the wrongness of the doctrine of racial supremacy." Unlike Marxist speech, say, racist speech is "universally condemned."

At first blush, this is a surprising claim. After all, if racist speech really were universally rejected, ordinances against it would be an exercise in antiquarianism. And yet there is something in what Matsuda says: a shared assumption about the weight of the anti-racist consensus, a conviction that at least overt racists are an unpopular minority, that authority is likely to side with *us* against *them*. This hopeful conviction about the magnitude of racist expression in America provides the hidden and rather unexpected foundation for the hate speech movement. Why would you entrust authority with enlarged powers of regulating the speech of unpopular minorities, unless you were confident that the unpopular minorities would be racists, not blacks? Lawrence may know that racial incidents are never "isolated," but he must also believe them to be less than wholly systemic. You don't go to the teacher to complain about the school bully unless you know that the teacher is on your side.

The tacit confidence of critical race theory in the anti-racist consensus also enables its criticism of neutral principles. This becomes clear when one considers the best arguments in favor of such principles. Thus David Coles, a law professor at Georgetown University, suggests that

in a democratic society the only speech government is likely to succeed in regulating will be that of the politically marginalized. If an idea is sufficiently popular, a representative government will lack the political wherewithal to suppress it, irrespective of the First Amendment. But if an idea is unpopular, the only thing that may protect it from the majority is a strong constitutional norm of content-neutrality.

Reverse his assumptions about whose speech is marginalized and you stand the argument on its head. If blatantly racist speech is unpopular and stigmatized, a strong constitutional norm of content-neutrality may be its best hope for protection. For these critics, however, that is a damning argument *against* content-neutrality.

This, then, is the political ambiguity that haunts the new academic activism. "Our colleagues of color, struggling to carry the multiple burdens of token representative, role model and change agent in increasingly hostile environments, needed to know that the institu-

tions in which they worked stood behind them," declare our critical race theorists in their joint manifesto. *Needed to know that the institutions in which they worked stood behind them:* I have difficulty imagining this sentiment expressed by activists in the '60s, who defined themselves in a proudly adversarial relation to authority and its institutions. Here is the crucial difference this time around. The contemporary aim is not to resist power, but to enlist power.

V.

"Critical race theory challenges ahistoricism and insists on a contextual/historical analysis of the law." So states the manifesto, and it is not necessarily a bad principle. What it suggests to me, however, is that we get down to cases, and consider, as these theorists do not, the actual results of various regimes of hate speech regulation.

Surveying United Nations conventions urging the criminalization of racist speech, Matsuda bemoans the fact that the United States, out of First Amendment scruple, has declined fully to endorse such resolutions. By contrast, she commends to our attention nations such as Canada and the United Kingdom. Canada's appeal to the hate speech movement is obvious; after all, the new Canadian Bill of Rights has not been allowed (as Matsuda observes) to interfere with its national statutes governing hate propaganda. And Canada's Supreme Court has recently promulgated MacKinnon's statutory definition of pornography as the law of the land. What you don't hear from the hate speech theorists is that the first casualty of the MacKinnonite anti-obscenity ruling was a gay and lesbian bookshop in Toronto, which was raided by the police because of a lesbian magazine it carried. (Homosexual literature is a frequent target of Canada's restrictions on free expression.) Nor are they likely to mention that in June copies of *Black Looks: Race and Representation* by the well-known black feminist scholar Bell Hooks, a book widely assigned in women's studies courses, was confiscated by Canadian authorities as possible "hate literature." Is the Canadian system really a beacon of hope?

Even more perplexing, especially in the context of an insistence on challenging ahistoricism and attending to context, is the nomination of Britain as an exemplar of a more enlightened free speech jurisprudence. Does anyone believe that racism has subsided in Britain since the adoption of the 1965

Race Relations Act forbidding racial defamation? Or that the legal climate in that country is more conducive to searching political debate? Ask any British newspaperman about that. When Harry Evans, then editor of the *London Times*, famously proclaimed that the British press was, by comparison to ours, only "half-free," he was not exaggerating much. The result of Britain's judicial climate is to make the country a net importer of libel suits launched by tycoons who are displeased with their biographers. Everyone knows that a British libel suit is like a Reno divorce. It is rather a mordant irony that American progressives should propose Britain, and its underdeveloped protection of expression, as a model to emulate at a time when many progressives in Britain are agitating for a bill of rights and broad First Amendment-style protections.

And what of speech codes on American campuses? The record may surprise some advocates of regulations. "When the ACLU enters the debate by challenging the University of Michigan's efforts to provide a safe harbor for its Black, Latino and Asian students," Lawrence writes, "we should not be surprised that nonwhite students feel abandoned." In light of the actual record of enforcement, however, the situation might be viewed differently. During the year in which Michigan's speech code was enforced, more than twenty blacks were charged—by whites—with racist speech. As Strossen notes, not a single instance of white racist speech was punished, a fact that makes Lawrence's talk of a "safe harbor" seem more wishful than informed.

At Michigan, a full disciplinary hearing was conducted only in the case of a black social work student who was charged with saying, in a class discussion of research projects, that he believed homosexuality was an illness, and that he was developing a social work approach to move homosexuals toward heterosexuality. ("These charges will haunt me for the rest of my life," the student claimed in a court affidavit.) By my lights, this is a good example of how speech codes kill critique. I think that the student's views about homosexuality (which may or may not have been well-intentioned) are both widespread and unlikely to survive intellectual scrutiny. Regrettably, we have not yet achieved a public consensus in this country on the moral legitimacy (or, more precisely, the moral indifference) of homosexuality. Yet it may well be that a class on social work is not an inappropriate forum for a rational dis-

cussion of why the "disease" model of sexual difference has lost credibility among social scientists. (In a class on social work, this isn't P.C. brainwashing, this is education.) The trouble is, you cannot begin to conduct this conversation when you outlaw the expression of the view that you would criticize.

Critical race theorists are fond of the ideal of conversation. "This chapter attempts to begin a conversation about the First Amendment," Matsuda writes toward the end of her contribution. "Most important, we must continue this discussion," Lawrence writes toward the end of his. It is too easy to lose sight of the fact that the conversation to which they are devoted is aimed at limiting conversation. If there are costs to speech, then there are costs also to curtailing speech, often unpredictable ones.

Speech codes, to be sure, may be more narrowly and responsibly tailored, and the Stanford rules—carefully drafted by scholars, like Thomas Grey, with civil libertarian sympathies—have rightly been taken as a model of such careful delimitation. For rather than following the arguments against racist speech to their natural conclusion, the Stanford rules prohibit only insulting expression that conveys "direct and vis-

ceral hatred or contempt" for people on the basis of their sex, race, color, handicap, religion, sexual orientation or national and ethnic origin, and that is "addressed directly to the individual or individuals whom it insults or stigmatizes."

Chances are, the Stanford rule won't do much harm. Chances are, too, it won't do much good. As long as the eminently reasonable Grey is drafting and enforcing the restrictions, I won't lose much sleep over it. Yet we must be clear how inadequate the code is as a response to the powerful arguments that were marshaled to support it. Contrast the following two statements addressed to a black freshman at Stanford:

(A) LeVon, if you find yourself struggling in your classes here, you should realize it isn't your fault. It's simply that you're the beneficiary of a disruptive policy of affirmative action that places underqualified, underprepared and often undertalented black students in demanding educational environments like this one. The policy's egalitarian aims may be well-intentioned, but given the fact that aptitude tests place African Americans almost a full standard deviation below the mean, even controlling for socioeconomic disparities, they are also profoundly misguided. The truth is, you probably don't belong here, and your col-

lege experience will be a long downhill slide.

(B) Out of my face, jungle bunny.

Surely there is no doubt which is likely to be more "wounding" and alienating to its intended audience. Under the Stanford speech regulations, however, the first is protected speech, and the second may well not be: a result that makes a mockery of the words-that-wound rationale.

If you really want to penalize such wounding words, it makes no sense to single out gutter epithets—which, on many college campuses, are more likely to stigmatize the speaker than their intended victim—and leave the far more painful disquisition alone. In American society today, the real power commanded by racism is likely to vary inversely with the vulgarity with which it is expressed. Black professionals soon learn that it is the socially disfranchised—the lower class, the homeless—who are most likely to hail them as "niggers." The circles of power have long since switched to a vocabulary of indirection. Unfortunately, those who pit the First Amendment against the Fourteenth Amendment invite us to worry more about speech codes than coded speech.

SCHOOL CHOICE

With a foreword by
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New York Times . . .

Now a report by The Carnegie Foundation for the Advancement of Teaching puts choice in proper perspective: It is only one tool for reform, and unless managed carefully, risks harm. . . . The Carnegie researchers conclude that attention ought to be refocused on improving the quality of all schools. That means shifting from top-down management to school-based decision making, giving teachers more say in the design of programs and strengthening families. In short, school choice by itself risks becoming more of a slogan, not to be confused with honest commitment to education reform.

Washington Post . . .

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I suspect that many of those liberals who supported Stanford's restrictions on abusive language did so because they thought it was the civil thing to do. Few imagined that, say, the graduation rates or GPAs of Stanford's blacks (or Asians, gays, and so on) are likely to rise significantly as a result. Few imagined, that is, that the restrictions would lead to substantive rights or minority empowerment. They just believed that gutter epithets violate the sort of civility that ought to prevail on campus. In spirit, then, the new regulations were little different from the rules about curfews, drinking or the after-hours presence of women in male dormitories that once governed America's cam-

pus and preoccupied their disciplinary committees.

Not that rules about civility are without value. Lawrence charges that civil libertarians who disagree with him about speech regulations may be "unconscious racists." I don't doubt this is so; I don't doubt that some of those who support speech codes are unconscious racists. What I doubt is whether the imputation of racism is the most effective way to advance the debate between civil rights and civil liberties.

VI.

What is ultimately at stake in this debate is our vision for this society,"

write the authors of *Words That Wound*, and they are right. In parsing the reasoning of the movement against hate speech, it is essential that we not miss the civic forest for the legal trees. Far beyond the wrangling over particular statutes and codes lies an encompassing vision of state and civil society. And its wellsprings are to be found not in legal scholarship or critical theory, but in the more powerful cultural currents identified with the "recovery movement."

At the vital center of the hate speech movement is the seductive vision of the therapeutic state. This vision is presaged in the manifesto itself:

Too often victims of hate speech find themselves without the words to articulate what they see, feel and know. In the absence of theory and analysis that give them a diagnosis and a name for the injury they have suffered, they internalize the injury done them and are rendered silent in the face of continuing injury. Critical race theory names the injury and identifies its origins.

This sounds, of course, like a popular primer on how psychotherapy is supposed to work; with a few changes, the passage might be addressed to survivors of toxic parenting. Indeed, "alexathymia"—the inability to name and articulate one's feelings—is a faddish diagnosis in psychiatry these days. Nor is critical race theory's affinity with the booming recovery industry a matter of chance. These days the recovery movement is perhaps the principal source of resistance to the older and much-beleaguered American tradition of individualism.

"When the ideology is deconstructed and injury is named, subordinated victims find their voices," the manifesto asserts. "They discover they are not alone in their subordination. They are empowered." Here the recovery/survivor-group paradigm leads to a puz-

zling contradiction. We are told that victims of racist speech are cured—that is, empowered—when they learn they are "not alone" in their subordination, but subordinated as a group. But elsewhere we are told that what makes racist speech peculiarly wounding is that it conveys precisely the message that you are a member of a subordinated group. How can the suggestion of group subordination be the poison *and* the antidote?

The therapeutic claims made for critical race theory cut against the hate speech offensive in more important ways. For if we took these claims at face value, critical race theory would not buttress speech regulations, it would obviate the need for them. The problem about which Lawrence worries, that racist speech "silenc[es] members of those groups who are its targets," would naturally be addressed not through bureaucratic regulations, but through the sort of deconstruction and critique that will enable victims, according to critical race theory, to "find their voices." And here lies another painful irony. All this sounds very much like Justice Brandeis's hoary and much-scorned prescription for redressing harmful speech: "more speech."

Scholars such as Delgado and Matsuda understandably emphasize the adverse psychological effects of racial abuse. "Because they constantly hear racist messages, minority children, not surprisingly, come to question their competence, intelligence and worth," Delgado writes. And he further notes that the psychic injuries incurred by racist speech have additional costs down the road: "The person who is timid, withdrawn, bitter, hypertense or psychotic will almost certainly fare poorly in employment settings." (As a member of the Harvard faculty, I would venture that there are exceptions to this rule.) But the proposed therapeutic regime is no mere talking cure. Indeed, in the Republic of Self-Esteem, we are invited to conceive of the lawsuit as therapy. "When victimized by racist language," Delgado explains, "victims must be able to threaten and institute legal action, thereby relieving the sense of helplessness that leads to psychological harm."

A similar therapeutic function could be played by criminal proceedings, in Matsuda's view. When the government does nothing about racist speech, she argues, it actually causes a second injury. "The second injury is the pain of knowing that the government provides no remedy and offers no recognition of the dehumanizing experience that victims of

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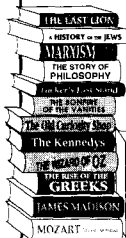
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hate propaganda are subjected to." In fact, "The government's denial of personhood through its denial of legal recourse may even be more painful than the initial act of hatred." Of course, what this grievance presupposes is that the state is there, *in loco parentis*, to confer personhood in the first place. Finally Matsuda must repair not to an instrumental conception of the state, but to a conception of it as the "official embodiment of the society we live in," which is rather remote and abstracted from the realities of our heterogeneous populace, with its conflicting norms and jostling values.

Psychotherapy cannot do the hard work of politics. Yet a similar therapeutic vision animates the more broad-gauged campus regulations such as those adopted in the late 1980s at the University of Connecticut. These rules sought to proscribe such behavior as, *inter alia*:

Treating people differently solely because they are in some way different from the majority....

Imitating stereotypes in speech or mannerisms....

Attributing objections to any of the above actions to "hypersensitivity" of the targeted individual or group.

That last provision was especially cunning. It meant that even if you believed that a complainant was overreacting to an innocuous remark, the attempt to defend yourself in this way would serve only as proof of your guilt.

The rationale of the university's rules was made explicit in its general prohibition on actions that undermined the "security or self-esteem" of persons or groups. (Would awarding low grades count?) Not surprisingly, the university's expressed objective was to provide "a positive environment in which everyone feels comfortable working or living." It was unclear whether any provisions were to be made for those who did not feel "comfortable" working or living under such restrictive regulations. In any event, they were later dropped under threat of legal action.

It may be that widespread skepticism about the distinction between the public and the private made it inevitable that the recovery movement would translate into a politics; and that this politics would center on a vocabulary of trauma and abuse, in which the verbal forms and the physical forms are seen as equivalent. Perhaps it was inevitable that the citizen at the center of the political theory of the Enlightenment

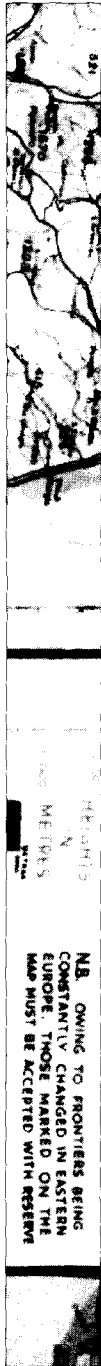
would be replaced by the infant at the center of modern depth psychology and its popular therapeutic variants. The inner child may hurt and grieve, as we have been advised. But may the inner child also vote?

VII.

What cannot be side-stepped, finally, is the larger question, the political question, of how we came to decide that our energies were best directed not at strengthening our position in the field of public discourse, but at trying to move its

boundary posts. I detect two motivations.

In the academy, there has been increased attention to the formative power of language in the construction of our social reality, to language as "performative," as itself counting as action and constituting a "speech act." These are phrases and ideas that are owed to ordinary language philosophy, of the kind that the Oxford philosopher J. L. Austin developed in the middle of the century, but now MacKinnon adds them to her argumentative arsenal in her latest book. The notion of the speech act certainly acquires new force when the act in question is rape.



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MacKinnon's emphasis on the realness, the act-like nature, of expression receives an interesting twist in the attempt by some hate speech theorists to "textualize" the Fourteenth Amendment. If expression is act, then act must be expression. If the First Amendment is about speech, then so, too, is the Fourteenth Amendment. Following this reasoning, Lawrence has proposed in an influential reinterpretation of legal history that *Brown v. Board*, and, by analogy, all subsequent civil rights decisions and legislation, are in fact prohibitions on expressive behavior. In Lawrence's reading, they forbid not racism, but the expression of racism. In line with this argument, he tells us that "discriminatory conduct is not racist unless it also conveys the message of white supremacy," thus contributing to the social construction of racism.

This is a bold and unsettling claim, which commits Lawrence to the view that in the case of discriminatory conduct, the only crime is to get caught. By this logic, racial redlining by bankers is not racist unless people find out about it. And the crusading district attorney who uncovers hidden evidence of those bankers' discrimination is not to be hailed as a friend of justice, after all: by bringing it to light, he was only activating the racist potential of those misdeeds. Should anti-discrimination policy be founded, then, on the principle of "don't ask, don't tell"?

Lawrence's analysis of segregation reaches the same surprising conclusion: "The nonspeech elements are by-products of the main message rather than the message being simply a by-product of unlawful conduct." By this logic, poverty is not really about material deprivation; it is really about the message of class inequality. We might conclude, then, that the problem of economic inequality would most naturally be redressed by promulgating a self-affirmative lower-class identity along the lines of *Poverty Is Beautiful*. Words may not be cheap, but they are much less costly than AFDC and job training programs.

Something, let us agree, has gone very wrong. The pendulum has swung from the absurd position that words don't matter to the equally absurd position that only words matter. Critical race theory, it appears, has fallen under the sway of a species of academic nominalism. Yes, speech is a species of action. Yes, there are some acts that only speech can perform. But there are some acts that speech alone cannot accomplish. You cannot heal the sick by pronouncing them well. You cannot lift

up the poor by declaring them rich.

In their manifesto, the authors of *Words That Wound* identify their fight as "a fight for a constitutional community where 'freedom' does not implicate a right to degrade and humiliate another human being." These are heady words. Like much sweepingly utopian rhetoric, however, they invite a regime so heavily policed as to be incompatible with democracy. Once we are forbidden verbally to degrade and to humiliate, will we retain the moral autonomy to elevate and to affirm?

In the end, the preference for the substantive liberties supposedly vouchsafed by the Fourteenth Amendment over the formal ones enshrined in the First Amendment rehearses the classic disjunction that Isaiah Berlin analyzed a generation ago in "Two Conceptions of Liberty," but without having learned from him. Berlin's words have aged little. "Negative" liberty, the simple freedom from external coercion, seemed to him

a truer and more humane ideal than the goals of those who seek in the great, disciplined, authoritarian structures the ideal of "positive" self-mastery by classes, or peoples or the whole of mankind. It is truer, because it recognizes the fact that human goals are many, not all of them commensurable, and in perpetual rivalry with one another.

To suggest, as the critical race theorists do, that equality must precede liberty is simply to jettison the latter without securing the former. The First Amendment may not secure us substantive liberties, but neither will its abrogation.

It is not hard to explain the disenchantment among minority critics with such liberal mainstays as the "marketplace of ideas" and the ideal of public discourse. I take their disenchantment to be a part of a larger crisis of faith. The civil rights era witnessed the development of a national consensus—hammered out noisily, and against significant resistance—that racism, at least overt racism, was wrong. Amazingly enough, things like reason, argument and moral suasion did play a significant role in changing attitudes toward "race relations." But what have they done for us lately?

For all his good sense, Harry Kalven Jr. was spectacularly wrong when he wrote: "One is tempted to say that it will be a sign that the Negro problem has basically been solved when the Negro begins to worry about group libel protection." Quite the contrary. The disillusionment with liberal ideology that is now rampant among many minority scholars and activists stems from the lack

of progress in the struggle for racial equality over the past fifteen years. Liberalism's principle of formal equality seems to have led us so far, but no further. As Patricia J. Williams observes, it "put the vampire back in its coffin but it was no silver stake."

The problem may be that the continuing economic and material inequality between black America and white America, and the continuing immiseration of large segments of black America, cannot be erased simply through better racial attitudes. Poverty, white and black, can take on a life of its own, to the point that removing the conditions that caused it can do little to alleviate it. The '80s may have been the "Cosby Decade," but you wouldn't know it from the South Bronx. It has become clear, in other words, that the political economy of race and poverty can no longer be reduced to a mirror of what whites think of blacks.

In some ways the intellectuals have not caught up to this changing reality. Generals are not the only ones who are prone to fight the last war. Rather than responding to the grim new situation with new and subtler modes of socioeconomic analysis, we have finessed the gap between rhetoric and reality by forging new and subtler definitions of the word "racism." Hence a new model of institutional racism is one that can operate in the absence of actual racists. By redefining our terms, we can always say of the economic gap between black and white America: the problem is still racism ... and, by stipulation, it would be true. But the grip of this vocabulary has tended to foreclose the more sophisticated models of political economy that we so desperately need. I cannot otherwise explain why some of our brightest legal minds believe that substantive liberties can be vouchsafed and substantive inequities redressed by punishing rude remarks; or why their analysis of racism owes more to the totalizing theory of Catharine MacKinnon than to the work of scholar-investigators like Douglas Massey or William Julius Wilson or Gary Orfield—people who, whatever their differences, are attempting to discover how things work in the real world, never confusing the empirical with the merely anecdotal.

Critical race theory has served, then, as a labor-saving device. For if racism can be fully textualized, if its real existence is in its articulation, then racial inequity can be prized free from the moss and soil of political economy. "Gender is sexual," MacKinnon wrote in *Toward a Feminist Theory of the State*. "Pornography constitutes the meaning

of that sexuality." By extension, racist speech must prove to be the real content of racial subordination: banish it, and you banish subordination. The perverse result is a see-no-evil, hear-no-evil approach toward racial inequality. Unfortunately, even if hate did disappear, aggregative patterns of segregation and segmentation in housing and employment would not disappear. And conversely, in the absence of this material and economic gap, not many people would care about racist speech.

Beliefs that go untested and unchallenged cannot prosper. The critical race theorists must be credited with helping to reinvigorate the debate about freedom of expression; the intelligence, the innovation and the thoughtfulness of their best work deserve a reasoned response, and not, as so often happens, demonization and dismissal. And yet, for all the passion and all the scholarship that the critical race theorists have expended upon the problem of hate speech, I cannot believe that it will capture their attention for very much longer. "It is strange how rapidly things change," wrote Kalven in 1965. "Just a little more than a decade ago we were all concerned with devising legal controls for the libeling of groups.... Ironically, once the victory was won, the momentum for such

legal measures seemed to dissipate, and the problem has all but disappeared from view." It is strange how rapidly things change—and change back. But the results, I suspect, will be similar this time around. The advocates of speech restrictions will grow disenchanted not with their failures, but with their victories, and the movement will come to seem yet another curious byway in the long history of our racial desperation.

And yet the movement will not have been without its political costs. I cannot put it better than Charles Lawrence himself, who writes: "I fear that by framing the debate as we have—as one in which the liberty of free speech is in conflict with the elimination of racism—we have advanced the cause of racial oppression and placed the bigot on the moral high ground, fanning the rising flames of racism." He does not intend it as such, but I read this passage as a harsh rebuke to the movement itself. As the critical race theory manifesto acknowledges, "This debate has deeply divided the liberal civil rights/civil liberties community." And so it has. It has created hostility between old allies and fractured longtime coalitions. Was it worth it? Justice Black's words may return, like the sound of an unheeded tocsin, to haunt us: "Another such victory and I am undone." •

A Different World

BY ALFRED KAZIN

A Different Person by James Merrill

(Knopf, 271 pp., \$25)

Charles E. Merrill, the father of the poet James Merrill and a much-married man (to the sorrow and the bemusement of his son), was the founding partner of Merrill, Lynch, Pierce, Fenner & Beane, the world's largest brokerage firm. "Charlie," as they still fondly call him in Southampton and the restricted enclaves nearby, came from humble Southern stock. He was an original capable of crossing the Atlantic with his black valet in first class, so that he would have someone interesting to dine with every night. He was so pleased with being rich that he carried his own special caviar to Europe, and had a shoemaker in Capri fashion twenty pairs of shoes for a wife of whom he had tired

(they did not fit, but the lady would not have the common people wearing them). He prepared for an audience with the pope in "snowy white-breasted swank. A gold bill-clip shaped like a dollar sign held his blue silk tie conspicuously in place."

At birth James Merrill received five shares of stock from his father's partner, nine silver spoons, "six pairs of silver military brushes and the upright masculine life these recommended"—articles lost in

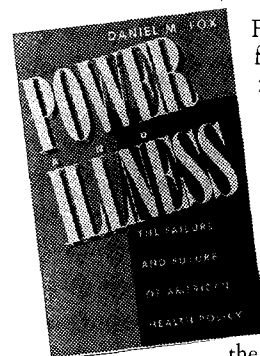
an avalanche of dainty apparel and accessories—lace and net pillows; monogrammed carriage robes; embroidered dresses; a "pink crepe de chine coat"; a "silk shawl and sacque"; caps of organdy or lace; gold diaper pins, blue pins, pink-and-pearl

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pins; rattles and booties and yet more dresses. I counted over a hundred such items.

His mother, another Southerner but one dumbfounded by the sudden necessity to shake hands with a black, had a ring engraved on the inside with just her initials and her son's.

Eleven years old when his parents separated, Merrill has been dominated emotionally, and in a sense concentrated artistically, by the break that seems to have designed his life. He has never lost his fascination with his father and (no matter how wry) his envy of his father's public power and swaggering heterosexuality. In his novel *The Seraglio* (1957), the young protagonist comes near to castrating himself. In his poetry, Merrill displays an astonishing Proustian recall for the smallest textures of the family life that he lost when his father moved on to a third wife. One is always aware in Merrill's work, never more so than in this expertly graceful and subtly controlled memoir of his two years in Europe, of the contrast between his artistic powers and his extreme vulnerability. His self-taunting is everywhere in his unwearied examination of an identity not always well-established in his own mind.

The "different person" of his title refers not so much to Merrill's homosexuality as to the change and the reinforcement that he claims for the years between 1950 and 1952, when he lived mostly in Rome, and was analyzed and

counseled by a refugee psychiatrist who appears never to have said anything that was not profound and immediately helpful about Merrill's case. I can offer no opinion of what Europe forty years ago did for Merrill, since this book, for all his sighs about his childhood, is a happy one, a portrait of young American homosexual aesthetes always at leisure, always together, always in love and quick to change partners; free to travel, proud, polished and soigné in that now unbelievable era before AIDS and virulent homophobia, when the love that dare not speak its name was not the public and political issue it has become for everybody.

A *Different Person* could more justly have been called *A Different World*. Merrill's self-searching—he says that he departed for Europe "with a vision of my inner self as a lone teardrop glittering deep in tissues of shyness and plain incuriosity"—is far less vivid than the extraordinary freedom with which these young men lived and regarded each other. Merrill imparts a high aesthetic gloss to their every fresh enthusiasm. He thinks that he is powerless alone, and to judge by his successive and sometimes simultaneous attachments to Kimon and Claude, to Hans and Robert and David and Peter, I can well believe him when he says that at one point his "erotic activity... seldom involved the person I happened to be 'in love with' at the time."

Still, "promiscuity" is hardly what comes to mind reading about the square dance-style exchanging of partners that these young men seemed to live for. They are too immature, too conceited and indolent, too easily bedazzled by their sense of belonging to a proud and exclusive society to be serious sinners. Merrill touchingly says at one point that he felt freer with his heterosexual prep school buddy, the novelist Frederick Buechner, than with the men to whom he was romantically attached. And he admits to feeling relaxed in his father's company, whatever his own self-lowering status, because of the father's refreshing breeziness and openness. He certainly describes his parents, childhood nurse and heterosexual half-siblings with more genuine feeling than he does Kimon and Claude and Robert. David Jackson, his steadiest attachment, is fleetingly mentioned. But obviously homosexual society had a fascination, even a compulsion, for Merrill, because of his fear of the loneliness that his parents' separation had turned into lasting grief. His friends seem never to have been alone, or to have left him alone.

It is Merrill's art that makes this book, and what he has made is perhaps less a

plain honest memoir (whatever that is) than a beautiful web of images depicting churches, monuments, glorious fountains, operatic performances, the endless exchange of gifts. The intent is to depict his friends living life as a work of art. This is a familiar fantasy in literature and life on the part of Americans living in Rome. Henry James wrote the most severe indictment of it in *The Portrait of a Lady*, when he described Gilbert Osmond, that cruel bastard living it up on his wife's money, reaching such heights of haughty but passive good taste that there was finally nothing left for him to do but break his wife's heart. Myself, I remember innocently standing on Trinità dei Monti above the Spanish Steps in 1947, when Bernard Berenson appeared, leading a retinue of friends to luxuriate in the famous view of Rome, and told me peremptorily to move. "Young man! You're standing in the way of my sunset!"

Surely some of the swans depicted in this book were really geese?

Irma joined us for a picnic at Lake Nemi, called Diana's mirror in antiquity, whose circular beauty outshone its historical—or prehistorical—associations. With us was someone Claude knew, and I knew of, from New York: Robert Isaacson. This bizarrely handsome young man, olive-skinned and heavy-lidded, with manners derived from a close reading of Firkbank, had once studied the harpsichord at Black Mountain and was now in Rome for an indefinite stay. I could see that Claude was attracted to him, and masochistically assumed their attraction to be mutual. Sure of us both, Claude led Irma into a long allusive discussion. We listened for a while then, as counterpoint, Robert and I discovered a number of "common friends" and made light of them while our companions went on, drawing Virgil and Caligula and *The Golden Bough* up from the depths of the reputedly bottomless lake.

And later we read that Robert Isaacson marries "a delightful woman older than himself, opens a gallery and buys his first Gérôme." As S.J. Perelman said about the London clubs, you can have too much couch.

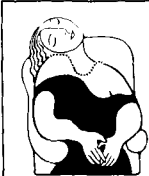
Yet it is necessary to Merrill's lovely, shimmering revision of things to believe that Alice B. Toklas was the daughter of a Polish army officer, to describe A.E. Housman's sorrowful lyrics as "red-blooded," to say that we know Beethoven's Opus 111 only from Thomas Mann's *Doctor Faustus*, and that Bernard Shaw owed his style to his grounding in Latin. He says of the premiere in Venice of Stravinsky and Auden's *The Rake's Progress* that "we sat through the remaining acts in a glow of

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self-congratulation. From this pinnacle the rest of the century would be all downhill."

Merrill says early in his memoir that "the people I cared for mostly didn't have fathers." There is the unvarnished human truth that lies over the book like some choking regret, and that Merrill

makes you share as I, at least, cannot share his wish to see life so totally aestheticized. As he says, "One either knows what people go through or doesn't." He knows all right.

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critical texts of Vico's works and identified hundreds of now-forgotten sources. Intellectual historians such as Eugenio Garin, Arnaldo Momigliano, Paolo Rossi and Gianfranco Cantelli re-created the cultural and intellectual contexts within which Vico worked. Productive controversies have raged about such genuinely difficult issues as the identity of the modern books that mattered most to him. That was no simple matter. The Inquisition did its best to stamp out atomism and biblical criticism in late seventeenth-century Naples, making it risky even to refer to Spinoza or Hobbes. Vico, moreover, was a master of misquotation, whose deft misreadings of ancient and modern classics bewilder and bemuse the modern critic.

Fear and Loathing in Naples

BY ANTHONY GRAFTON

G. B. Vico: The Making of an Anti-Modern by Mark Lilla

(Harvard University Press, 320 pp., \$39.95)

Giambattista Vico lived the life of a very ordinary academic. His modest professorship of rhetoric paid only one-sixth as much as the professorship of law that he failed to win. He treasured every review that his books attracted in the French and Latin journals that could bring his name and ideas to a European public, but they were few, and some of them were negative. Even at home in Naples he walked the crowded streets in misery, avoiding the gaze of the acquaintances who failed to acknowledge the copies of his works that he sent them. He never managed to travel abroad, not even to Rome, whose history he devoted much of his life to unraveling. And though he found a few patrons and admirers in Italy, his *New Science*, a massive decoding of ancient history, mythology and law, must have impressed most readers as bizarre rather than brilliant, especially in its sprawling final edition of 1744, the year of Vico's death. With its baroque title page, pullulating erudition and strange language (even some central and northern Italians now prefer the flat but clear English translation by Thomas Bergin and Max Fisch to the Neapolitan anfractuosités of the original), the book seemed dead on arrival: out of scale, out of date and doomed to be thoroughly out of mind.

Yet Vico's afterlife has proved as exciting as his life was depressing. In the second half of the eighteenth century, the creators of the new sensibility that became known as romanticism saw the depth and the value of his work. Vico insisted that the founders of the Greek and Roman states were primitive, brutal and poetic warriors, not the robed sages moving decorously down perfect colonnades whom Winckelmann and the neo-

classicists of the day liked to evoke. This evolutionary approach to ancient culture was independently revived by the heroes of German historicism after 1770. Some of Vico's more specific arguments—that Homer was a man of the people, not a polished poet; that the myths about Romulus and Remus, Tarquin and Lucrece concealed a true and instructive social history of Rome's growth—found academic exponents at the same time. Vico enjoyed a sudden fame, as the isolated Enlightenment sage who had eerily anticipated the counter-Enlightenment's historical revolution. The *New Science* was discovered, summarized, translated.

Early in the nineteenth century, Michelet fell in love with Vico's evocation of the terrible creative power of ordinary people, a central motif of Michelet's own work on the history of France. He produced an abridged French text of Vico's prescient (because prerevolutionary) demonstration that man makes his own history. Social scientists from Comte to Marx approved and embroidered on Vico's theory that each society passes through a recognizable series of stages of development. Later in the century, pioneers of modern hermeneutics such as Karl Lamprecht and Aby Warburg saw Vico as one of the creators of their method, with its emphasis on historical empathy, on the need to appreciate the alienness of past cultures and societies. Still later Vico provided Benedetto Croce with the core of his historical philosophy and inspired James Joyce to devise the complex structures of *Ulysses*.

Croce dominated intellectual life in Italy for decades, first as an inspiration and then as a target, and the tradition of Vico scholarship that he founded has remained a powerful enterprise. Philologists such as Fausto Nicolini established

He knew no English or German. When he listened in on the great debates of his time, he resembled a country telephone operator trying to eavesdrop on lovers whispering on a crackling party line. It seems genuinely impossible to know exactly what Vico knew, and when he knew it, about Hobbes, Bayle and Simon—the "moderns" whom he learned from and attacked. The best Italian scholarship tries to squeeze precise information on these points from every detail in Vico's works. It combines the rigor and the precision of philology with the breadth and penetration of history; and like all good work in the humanities, it has fostered debate rather than consensus.

In the English-speaking world, the graph of Vico's posthumous reputation has described a very different curve. The *New Science* and the *Autobiography* appeared in English just as the postwar expansion of the universities created a new market hungry for profound texts to quote and new fields to cultivate. Some of the great German émigré scholars, above all Erich Auerbach, found in Vico an inspiring predecessor who lay entirely outside the German intellectual tradition but shared what they saw as its chief virtues. He became an early beneficiary of the paperback revolution; and more important, the object of a dizzily increasing number of analyses. Intellectual historians set out to show that Vico's historical work could shed light on the influence of earlier thinkers (the Renaissance humanists) or the achievements of later ones (Herder). Philosophers interested in hermeneutics and other continental specialties analyzed and attacked his doctrines. When the zodiacal sign of Theory rose over the university horizon, new votaries came to adore Vico's prescient tropes.

Some scholars in the English-speaking world, such as Donald Kelley, Donald

Verene, Michael Mooney and Leon Pompa, have used deep erudition or sharp philosophy to shed new light on Vico; and one intellectual of commanding stature, Isaiah Berlin, has dedicated eloquent, meditative essays to Vico and has written a fascinating book on *Vico and Herder*, in which he portrayed Vico, to an enormous readership, as the creator of a science of man radically different in substance from the Newtonian science of nature, and in direction from the cheerful generalities of the philosophes. Still, for the most part bad currency has overwhelmed good. Articles on Vico and some other Deep Thinker, based on translated scraps of his work and torn from any sort of historical context, far outnumber serious efforts to understand Vico's world. Random quotations designed to give an impression of learning are probably even more numerous.

A little like a Walter Benjamin of the eighteenth century, Vico has realized the ambition of every unpromoted Bartleby who clings to the back rooms of academic life: he who was in life neglected and ridiculed has become in death the buzzword of a thousand academics. "I go, you go, we go Vico"—so runs the chant at conferences from Bellagio to Santa Cruz. Unfortunately, the importance of his enterprise is often assumed, not demonstrated, and his work is read out of context and through the distorting grille of translations.

Mark Lilla, a deft critic and scholar of a sharply conservative bent, is no follower of fashion, at least of American academic fashion. It seems a little surprising to find him at work on a fashionable author, especially one whom the giants of the modern revolutionary tradition hailed as their kinsman. In fact, however, Lilla has not walked any of the well-trodden roads that normally lead to Vico's Rome. His book rests on unusually solid foundations: he uses not only the standard texts available in any bookshop, but also Vico's earlier works in Latin, the most important of which have never been translated into English. (They are available in Italian.) He has assimilated the whole range of Vico scholarship, con-

tinental as well as English. And he argues his case with a clarity, learning and austerity that impose respect on the most critical reader.

Lilla's thesis will strike many readers as partly original and wholly disturbing—a usefully discordant note in what is mostly a scholarly Silly Symphony. He sees Vico, as his title indicates, as an "anti-modern"—a critic, not a creator, of modernity. True, Vico's method of studying history was radically new in many ways. But its results were anything but

modern. Vico denied to man any ability to create his own world, and to philosophy any ability to free man from the weight of tradition. Even at his most radical—in his historical approach to the development of society and culture—Vico tried to serve conservative ends.

Vico wished to show, in Lilla's account, that religious authority and traditional wisdom must guide the development of man's political and social world. Divine Providence had used these forces to shape the history of pagan nations, as

firmly as it had shaped, by direct revelation, the radically different history of the Jews. The concrete poetry of Roman law, not the abstractions of Greek reason, had guided the creation of an exemplary society. It did so, however, under the guidance of an invisible but divine hand. And modern man must understand this basic truth or fall prey to the destructive skepticism with which modern philosophy corroded all truths—and all societies. Thus the most modern of eighteenth-century social scientists set out to defend the ancient values of providential history—the same values that the French philosophes attacked or secularized into the modern idea of progress.

Part of Lilla's purpose is to analyze the *New Science*, Vico's unruly summa. The sprawling mass and the spiraling cross-references of this great book effectively subvert its geometric form of presentation—a modern device that Vico borrowed from Descartes, as part of his claim to create a new science of humanity. Yet Lilla reveals its general purport clearly enough. Vico set out to demonstrate that his predecessors and contemporaries had misunderstood the develop-

ment of the human race. The philosophers had tried to draw from a wide range of texts and experiences, pulled out of context, a theoretical history of the origins of society and the state. Some, such as Grotius, looked for clear, abstractly formulated laws that all men must acknowledge as valid. Others, such as Hobbes, used the absence of an original code of laws as an explanation for the viciousness and fear that drove men to frame the state in the simple, brute hope of safety.

All the philosophers went wrong in the end, because all failed to read the right lessons into human history. They created imaginary stories about society, culture and the state instead of teasing out the lineaments of the true history from the clues that remained in myths and texts. Their failure was easy to explain, if hard to redress: since Bacon and Descartes, modern thinkers had despised the mere scholars who read ancient texts instead of dealing with the modern world. Speculation seemed far more dramatic than hermeneutics. But the philosophers' willful ignorance ruined their systematic theories. They could not assess the quality and the solidity of the slabs of evidence with which they worked. Pufendorf, for example, studied societies ancient and modern, civilized and barbarous, but concluded only that history could not yield the rules that should frame a society, since no single set of laws and institutions appeared everywhere. History seemed mere chaos to this learned natural lawyer. As always, in other words, those who did not know how to study history were condemned to distort it.

The philologists, for their part, knew a great many things about the human past. Professional specialists in texts and commentary, amassers of information about the clothing and the utensils, the institutions and the lifestyles of the ancient world, they had direct access to the rich data that the philosophers failed to exploit. But the philologists were as blind as the philosophers. They took the texts and the stories far too literally. They believed that the ancients had been men and women like themselves, whose thoughts and feelings were like their own. They broke their hearts and bankrupted their publishers bringing out folio after folio in which they tried, for example, to weld the divergent claims of Jews and Greeks, Egyptians and Babylonians, about the origins of their states into a single, coherent chronological framework.

In fact, the ancients' stories about the early histories and the primeval wisdom



of Egypt and Mesopotamia resulted not from their learning, but from their ignorance. The original isolation of each nation led it to overestimate its originality and its antiquity—a shared delusion that Vico called “the conceit of the nations.” The moderns’ credulity derived from the failure of scholars to see that they must not expect an ancient historian to use the methods and meet the standards of a modern archivist, a systematic error that Vico called “the conceit of the learned.” The folie à deux of ancient writers and modern scholars had made the historical record as twisted and distorting as a fun-house mirror. To that extent, the philosophers were perfectly right to refuse to learn from books. The specialists in books, after all, knew only disconnected facts, the sort of facts that Cicero’s serving maid had known merely by living in the ancient world.

Vico’s *New Science* set out to rectify philosophy and philology by connecting the two enterprises. Philosophy would trace the basic path that the march of human history must have followed. The Jews, to be sure, had an organized civilization from the start, thanks to the unique revelation that they enjoyed; but the gentile civilizations had not formed until after Noah’s flood. And the original gentiles could not have been the sage legislators long celebrated in classical and modern texts, like the Egyptian Hermes Trismegistus and the Spartan Lycurgus. Rather, they must have been *bestioni*, primitive men, without masters and without mates, gigantic in size and untrammelled in appetite. These antediluvian Frankensteins of Vico’s romantic imagination wandered the drying marshes left by the flood, taking what they wished—exactly as Hobbes, among others, had suggested.

Gradually and inevitably the *bestioni* turned into heroes, and the heroes into men. Exhalations from the drying earth caused terrifying thunder in the sky. The primitive *bestioni* transformed the natural phenomenon into an anthropomorphic god. Hence religion, and with religion, shame. Sexual intercourse came to be enjoyed only after it was sanctified by religious ceremony. Stable families followed; and then a complex, hierarchical society, as those *bestioni* who could not defend themselves became the slaves of those who could, exchanging freedom for security. Divisions rent the once-unified family, as the slaves realized that they were as human as their heroic masters. Gradually each society developed laws, codes and institutions, and the state replaced the family. This dynamic history, in which strife played a basically creative role, was exemplified for Vico, as

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—Andrew Billingsley, *Washington Post*

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for Machiavelli, by the case of Rome.

In the end, however, even Rome's triumphant story closed in disaster and sorrow. Prosperity and sophistication corrupted the original order, and Rome relapsed into a new barbarism as terrible—and happily as temporary—as the old. This was the course that each nation (except the chosen one) must have run, though not simultaneously. The barbarous peoples of the New World and China, for example, were clearly the contemporaries in development not of the Europeans of their day but of the primitives of ancient Germany and Scythia. Only philosophy could provide this conjectural history of man—a history for lack of which the philologists inevitably went wrong. Only philosophy could sound the

warning that the Europeans of Vico's time could also fall back into barbarism.

Philosophy, however, could draw up only history's outlines. It was philology that filled in the details. In doing so, it not only bore out Vico's theories about the origins of societies, it also shed a blinding new light on the most familiar texts. Consider, for example, the case of Homer. His poetry had many curious characteristics, to which literary critics had objected since the Renaissance. His heroes lived an absurdly simple life: Achilles did his own cooking and Princess Nausicaa her own laundry, while piles of manure reeked outside the palaces of kings. Worse still, the heroes were often unheroic: Achilles railed like a fishwife at Agamemnon and wept like a child at the death of Patroclus. The gods were even worse; they were bad-tempered, jealous and vulnerable to mortal attack. Homer often contradicted himself. And his poetry was far cruder than the verse of later poets such as Virgil. Long and inept comparisons between humans and animals filled page after tedious page, and absurd epithets ruined his emotional effects.

Vico's new history of man explained every one of these indelicacies. Homer's heroes lived rudimentarily because they had only recently climbed out of the mire. They showed their emotions because they were primitives, more like modern children than like modern adults. They created anthropomorphic gods because primitives and children always imagine deities in their own form. Homer's apparent self-contradictions arose because his poems were oral, not written. Over the centuries, the reciters had made many changes and additions to the original work. Even his similes made sense of a particular kind. In the history of culture, analogy precedes logic as poetry precedes prose. Comparison between the known and the unknown was the chief mental skill at a primitive's disposal. Homer's poetry revealed in its warp and woof the perplexities of a mind still frightened by natural forces, still unbroken to the dry logic of civilization; both its curious style and its indecorous content stemmed from his historical position. It provided vital evidence about the way that the primitive mind worked, about the power with which the primitive imagination could express itself.

Vico's own imaginative brilliance seems as impressive as that of the ancient bards that he liked to imagine singing their tales around the fire. He knew Homer only at second hand, through the Latin translation that he

could read far more easily than the original Greek. He knew the Greek world more distantly still, through scholarly compilations, themselves based on the epics, of the customs and the manners of the Homeric heroes. Still, he saw what dozens of more learned scholars had not seen: that Homer described, and lived in, a world very distant from his own.

Traditional scholars had various ways of dealing with Homer's violations of their canons of taste. Some denounced them as gross literary errors. Julius Caesar Scaliger, from whom Vico learned a great deal about what made Homer strange, did to the *Iliad* and *Odyssey* what Mark Twain would do for *The Last of the Mohicans*; and so he proved, at least to his own satisfaction, the superiority of the civilized Virgil. Others explained the same faults away allegorically, as signposts to the presence of a higher truth. In both the ancient and the early modern world, this was a favorite assumption of schoolmasters, desperate to keep their texts safe for schoolboys. But many philosophers, from Stoics to Neoplatonists, accepted it as the only way to have their Plato and love Homer, too. Vico, however, saw Homer's errors differently: as historical clues that revealed the differences of feeling and expression that had grown up between Homer's time and his. This insight has received its full development only in the twentieth century, thanks to the very different work of such Homeric scholars as Milman Parry and M. I. Finley.

A student in one of my graduate seminars once remarked that Vico resembled a marvelous machine, an inverted historical computer: give him the wrong information and he automatically produced a hypothesis that would turn out to be right centuries later. He had the sort of prescient structural insight into difficult problems that is more often found in scientists than in humanists: a Feynman of the social universe. Vico could predict almost without effort, and certainly without much research, results that others would take lifetimes of work and masses of new data to confirm. Raising his numerous children in genteel poverty amid the pastel palaces, the stuccoed churches and the noisy streets of Europe's most rebellious city, Vico saw that men could live by radically different codes of value and speak in radically different codes of meaning.

Lilla does more than survey parts of this canonical text; he gives it a radically new bearing. From Michelet on, modern readers of Vico have seen his historical enterprise as a form of liberation. His reading of the past, they have argued,

Funeral Parlor, Trieste

The man in the broken-brimmed hat turns into the glare of a 40-watt bulb to see the body of his mother, his eyelids fluttering like moths.

This side of the windowpane is as cold as the outside. The wind from the sea blows right through the room—we can feel it, ruffling our cuffs, but we can't hear it.

On the dusty table the scent of the roses in the cheap vase is faintly metallic. In the cut-glass ashtray a thread of smoke rises from a cigarette, its filter ringed with lipstick

the color of fresh blood. But no one in the room smokes, and the only woman present is dead. Her face powdered whiter than the falling snow. Some chairs are lined up before a brown curtain.

Behind the curtain someone is pouring water into a glass. The ice cubes are clinking sharply. I'm thirsty, too. Then, somewhere above us, a door opens and closes.

And in the basement, where they prepare the bodies, a man coughs, and another man laughs—mechanically—as if he was told a joke he'd heard many times before.

NICHOLAS CHRISTOPHER

freed men from the old providential history that denied human autonomy, and from the old classicism that revered the ancients as inimitable sages. His understanding of the differences between societies resulted in a new level of pluralism and tolerance—a new realization that no set of laws or values holds for all men and women at all times. In *To the Finland Station*, Edmund Wilson celebrated the sense of human power that peeped incongruously through Vico's old-fashioned terminology and imagery. In *Vico and Herder*, Berlin warmly praised Vico's historicism, his willingness to treat all societies as equal even as he underscored their radical differences in language and culture.

Lilla will have none of this. In order to place the *New Science* in its true context, he subjects Vico's earliest works to a searching analysis. The results are fascinating. Lilla maintains that what lay at the center of his thought were tormenting theological problems. Man was fallen and ignorant, just as Augustine had long ago said. In fact, man without revelation was violent, brutal and greedy, just as Hobbes argued in Vico's own time. But Vico, unlike Hobbes, insisted that man still had a social instinct and a creative power, a spark of the divine—a spark that naturally led him to form relationships with other men, to envisage and to worship a divinity larger than himself and to try to understand certain truths.

This inbuilt urge, Lilla argues, formed the core of Vico's thought. The *New Science* was only the last and most systematic of his efforts to trace the divine hand as it worked through human nature to help this urge find realization—not only in the spiritual autobiography of individuals, but also in the collective biographies of nations, which followed the same stages on a far grander scale. Vico's work, in short, offered not an alternative to providential history, but a modernization of it. Man could understand the societies and the cultures that he himself had framed—but only because God had created him to carry out and to reflect on the initial process of creation. Such reflection, moreover, should inspire not a hope for freedom, but an understanding of limitations. History, rightly understood, showed that the deep, sturdy traditions and beliefs that men spontaneously formed, not the gossamer philosophical systems that the philosophers spun, must make the bedrock on which any productive culture would be reared.

Lilla does not mention Piranesi, who probably read Vico's work and certainly shared Vico's passion for the creative powers of an inarticulate, religious

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Rome. But the vision of the world that he evokes resembles nothing so much as Piranesi's prisons. Amid enormous, threatening structures, dizzying staircases, impenetrable shadows and overwhelming bursts of light, tiny men wander, stand amazed or torture one another. Above them brief, cryptic inscriptions in capital letters affirm the need for order and authority. Like Vico, Piranesi seems to believe that a final order rules the system, however imperceptible this remains to the dazed inhabitants. And Lilla shares the two men's passion for mystery and authority, as well as their disgust for the rationalism that seeks to lay all things bare but only reveals its own sterility.

Lilla's general thesis is not wholly new. Some interpreters of Vico—notably Croce's Catholic opponents, but others too—have long seen him as trying to confirm for modern readers the universal power of divine providence. Still, Lilla's detailed, patient reading of Vico's earlier philosophical works and his painstaking investigation of their technical terminology are genuinely original. All students of the modern political tradition will have to reckon with his argument that liberal and radical appropriations of Vico are just that: hijackings of his work by people who did not share his goals and his beliefs. Lilla clearly disapproves of them, as he does of the modern thinkers responsible for them. Lilla's Vico is the ancestor of de Maistre, not of Marx. He is not Berlin's pluralist, but an absolutist as stern as Bossuet. And modern social science, insofar as it really stems from Vico, may (or must) share the stern implications of his thought, not the hopeful ones that were wrongly read into the *New Science* by muddle-headed progressives.

Thus Lilla should stir up plenty of argument. Here is a foretaste. In intellectual history, as Lilla knows very well, ontogeny need not recapitulate phylogeny: the story of a work's origins doesn't exhaust the analysis of its meaning. Yet Lilla seems to exhaust himself reading the contorted, if fascinating, texts that Vico wrote about knowledge and law before he turned to the creation of a new science. Hence his actual reading of the great book doesn't show quite so much patience or so much erudition as his reading of the texts that lead up to it. For as Lilla himself shows, the *New Science* presents itself not only as a study of providence, grounded in theological debate, but also—indeed, above all—as a study of myth and law, grounded in scholarly traditions. It offers explanations of a great many textual, mythological and historical details, most of which Lilla does

not analyze. And it is considerably less modern, in its texture, than Lilla's formulas suggest—as one sees when one pays close attention, in particular, to the sorts of texts and theories that Vico deployed in strategically important places.

Consider Vico's giants. Lilla suggests, as have others before him, that Vico derived them from the philosophical poem of Lucretius. The Epicurean poet described the gigantic sizes that early beings attained, and evoked the fear that thunder inspired in early men; his account of the primitive world provided the basis for a modern anthropology, just as his discussion of atoms provided part of the basis of a modern physics. In fact, a look at Vico's early works and at the *New Science* itself shows that his giants, like his theology, were originally traditional Christian figures. In his first treatment of the giants, Vico draws not only on Lucretius's poem, but also on Genesis 6, which tells the story of the sons of God, who saw that the daughters of men were beautiful and went to them, siring mighty men of valor. The text says of them that "there were giants in the earth in those days," a verse that provided the foundation for Vico's belief that early humans reached enormous size. His later tale of the barbarian giants who lived after the flood repeated, in updated terms, the history of the antediluvian giants of the Bible.

In fusing history with gigantology—as Walter Stephens has shown in a massive, fascinating book titled *Giants in Those Days*—Vico followed well-established exegetical traditions. The saintly Dominican forger Giovanni Nanni da Viterbo, one of the most influential world historians of the Renaissance, portrayed all men before the flood as giants. Many other writers took him up—not least Rabelais, whose giants Gargantua and Pantagruel have a biblical ancestry and inspiration as well as classical and modern characteristics. Vico's *bestioni*, then, were not by any means the first gigantic brutes to populate world histories.

Nor was Vico's explanation of the giants who came after the flood so modern as Lilla's account would lead one to expect. Vico points out that urine and feces have a great fertilizing power, as anyone can see by planting a field where an army has made camp. The Jews kept themselves cleanly, as their divine law made them. But pagan babies, abandoned by their mothers, played with their own excretions. Hence they grew and grew. (This idea appears in Vico's early work on universal law, and survives in the last *New Science* of 1744; evidently he took it quite seriously.) Such period theories continually strike any reader of the origi-

nal text who does not hope to mine it for anticipations of modern methods in the social or human sciences.

Vico's method, in other words, is hardly of a piece. It is certainly not consistently modern, or even consistently his own. Italian scholars have shown that works that Vico certainly read and cited—such as the Jesuit José de Acosta's brilliant, evolutionist history of the New World—anticipated his arguments about the primitive character of early men and his staged theory of social evolution. And his brilliant arguments about Homer may well have been inspired by the literary skirmishes of his day, now known as the Quarrel of the Ancients and Moderns, during the course of which rough versions of some of his theses were formulated by Homer's defenders. Even Vico's heroic effort to modernize philology by making it philosophical was a project that he shared with many seventeenth-century intellectuals of the most diverse theological views, as Carlo Borghero has shown.

Vico's history of the human race, in short, is less a fresco painted spontaneously than a Watts tower of found objects, combined in dazzling new ways but often old and battered in themselves. Lilla acknowledges this implicitly more than once, as when, in a particularly fine passage, he demonstrates the structural similarity between Vico's providential history of the world and that of the Church Father Eusebius. Such comparisons do not deny Vico's originality. They suggest an alternate version of his development—one that follows Lilla's own prescription and restores him to his context, treating him (in Lilla's admirable formulation) as someone who miraculously combined the styles of Francis Bacon and Isidore of Seville.

It is important to remember that Vico was a baroque encyclopedist rather than a single-minded theologian. Such thinkers (Leibniz was another) seized upon an incredibly wide range of materials, and not only acted upon them but were acted upon by them. Their systems grew like glaciers, awkwardly and incoherently, taking on excrescences as they lost older bits that had become useless. Accounts such as Lilla's, which stress coherence and downplay detail, necessarily offer only partial surveys of the towering, toppling intellectual castles that these unprimitive giants reared.

Lilla, in short, sometimes oversimplifies Vico's goals and methods, much as earlier scholars often oversimplified his beliefs and assumptions. His treatment of Vico—as the man who consistently deployed the resources of modern science and scholarship to attack the pre-

tensions of modern liberal thought—is sharply illuminating. But it does less than justice to the antique and early modern components of Vico's scholarly arsenal. At times—as in his elegant, intricate dissection of Vico's apparent determinism—Lilla shows a fine sense of the unruliness and multiple implications of the *New Science*. At times, however, he seems to ignore such fine points, and to elide the distinction between explaining the thought of a past intellectual and offering prescriptions that should bind the members of his audience (admittedly, this is a fairly common fallacy among historians of political thought). He writes, that is, as if any sensible reader should not only read Vico as he does, but also should accept his and Vico's project, and should make the sacrifice of the abstract intellect that they demand. But he offers no argument that would lead someone not already convinced to see Vico as a plausible guide to modernity and its discontents.

Instead Lilla provides apocalyptic summaries of the modern condition: "Either one resigns himself to living within the broad Enlightenment tradition that values reason, skepticism and freedom, or one sets off with the counter-Enlightenment thinkers who abandoned those principles in the pursuit of order, authority and certainty. *Au-tant*: the modern world offers no third alternative." Such sermonizings seem oddly reminiscent of one of Lilla's anti-heroes, Michel Foucault. Like some of Foucault's more mysterious rumblings, they seek to command assent, not to win it. They owe their punch only to the dilemmatic form in which they are framed, and to the loaded terminology in which they are cast. (Either "resign" oneself to mere thinking or "set off" with the progressive reactionaries in search of a usable past? Hmm.) Their author almost seems to forget, as he utters them, what he clearly knows very well: that the modernity challenged by Vico was the polychrome radicalism of baroque Naples, not the gray eclecticism of our time.

As an unashamed adherent of the eighteenth-century modern, I find much to disagree with in Lilla (and in Vico). But praise from an enemy is praise indeed; and so I hasten also to report that Lilla's book is vastly more exciting than the run of good first books, and far richer than most Vico scholarship. Lilla will find in plenty what Vico desired and lacked: admiring critics who will happily engage him in debate.

ANTHONY GRAFTON teaches European intellectual history at Princeton University. The second volume of his intellectual biography of Joseph Scaliger will be published this fall by the Clarendon Press.

TRB continued from page 6

Policy Marketing and Fund-raising Institution" doesn't have the right ring. By contrast the other major conservative think tank, the American Enterprise Institute, spends just 10 percent of its budget on marketing and fund-raising combined.

When I first came to Washington in the 1970s, AEI was the cutting-edge right-wing agitprop organization. But it has long since been surpassed by Heritage. This is partly because AEI went soft, developed "Brookings Envy," and lost some of its partisan edge. But it's partly because Heritage pushed the outer limits of what was acceptable partisanship in a so-called "think tank." Ed Feulner, Heritage's president since 1977, has never made any bones about the fact that Heritage is more concerned with persuasion than reflection.

Institutions like Heritage give conservatives a major advantage in the public policy debate. There is no liberal equivalent of the Heritage Foundation—and, given the reality of raising money from corporations and wealthy individuals, there never will be.

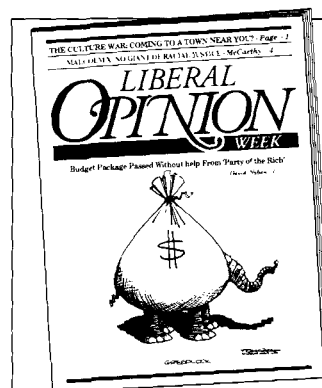
There is, of course, the Brookings Institution. Brookings is still probably more prestigious and respectable than Heritage, and its product is probably, on balance, vaguely liberal. But Brookings is not

ideologically committed in anything like the same way as Heritage. It is much more genuinely a scholarly institution, more concerned with research than advocacy. And anyway, Heritage's annual budget has now surpassed that of Brookings. It's interesting to note that Brookings gets nearly a third of its money from selling books and running conferences, compared with just 5 percent for Heritage. The "liberal" think tank is meeting the test of the commercial marketplace better than the conservative one.

And it's interesting that conservatives, so concerned about the debasement of intellectual life in academia, have done their bit to debase the notion of scholarship themselves with faux-academic institutions that mimic the life of the mind—down to paraphernalia like endowed chairs—in the service of a considerably less disinterested ideal.

But give Heritage some credit. It is fighting the war of ideas, usually with honesty and always with the vigor of true belief. It is always willing to engage doubters and hope for converts. And it is not always wrong (NAFTA and health care are two issues on which it is more or less right). And without the Heritage Foundation, some days I wouldn't get any mail at all.

MICHAEL KINSLEY



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CAMBRIDGE DIARIST

Children's teeth

I DON'T KNOW WHAT I THINK (OR whether I think anything at all) about Senator Carol Moseley-Braun's success at bullying the Senate into ending congressionally sanctioned patent protection for the United Daughters of the Confederacy to the stars and bars of the secessionist states. Confederate symbols inevitably evoke slavery, and so they particularly affront blacks, but, of course, not only blacks. Indeed, if anyone's conscience is not seared by them (as by the rising sun or the hammer and sickle) it is blind to evil. Still, the South was about more than the Peculiar Institution; it was also about an alternative to rapacious industrial capitalism, for example. And, before that, about a theory of government and human nature that produced George Washington and Thomas Jefferson (who, alas, were both slaveholders) and on which the republic was founded. Which is why, as C. Vann Woodward pointed out in an essay written more than thirty years ago, Herman Melville (in his epic poem "Clarel"), Henry Adams (in his novel *Democracy*) and Henry James (in *The Bostonians*) each used a Southern protagonist, a veteran of the rebel defeat, no less, to speak his own lament over the lamentable morals of the triumphant North.

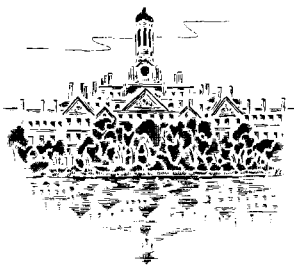
READING ABOUT MOSELEY-BRAUN'S put-down of Jesse Helms, I was reminded of a visit to Cambridge some years ago by my father-in-law, Henry Richardson Labouisse, who was a selfless and austere patriot of the sort we'll soon encounter only in novels. At his memorial service, the congregation sang the song that had stirred him most in life, "The Battle Hymn of the Republic." But he was born and brought up in Louisiana; he then went to Princeton and on to Harvard Law School, from which he graduated in 1929. On this trip he wanted to return to places from his past. Some magnet drew us to Memorial Hall, that American Victorian expression of the High Gothic, built in 1870, to commemorate Harvard's dead in the Civil War. But he hadn't remembered (and I hadn't known) that by terms of the deed of gift of the alumni association, the only names to be inscribed on the cold yellow-white tablets that bound the vaulted space were those of the Union dead. It was as if Harvard

was all abolitionism and radical reconstruction, which it wasn't, although high Boston was the seedbed of both. When my father-in-law realized Memorial Hall's principle of selection, he was struck pale by what seemed a vindictive mystique of good and bad. He did have several Harvard ancestors who'd fallen with the Grand Army of the Republic, however, and their short lives have been marked now for more than a century in the grave etched slabs. But Southern relatives had also come North to Cambridge for study, and they were among the near fourth of the Harvard men in Lee's armies who had been killed in battle. They have no posterity here, not even among the ghosts.

MY FRIEND PETER Gomes, the Plummer Professor of Christian Morals and Preacher to the University, wants Harvard at last to recognize the sixty-four young men who, like most other soldiers, were motivated less by some particular political purpose than by simple but existential loyalties. Gomes is not suspect. He is a black man now writing a book about marginality. This spring he was the narrator, at a joint performance by the college's Bach Society and the New York Housing Authority Symphony Orchestra, of Aaron Copland's "A Lincoln Portrait." In declaiming Lincoln's stunningly simple words (words written without benefit of Harvard education or of ghostwriter), Gomes, who has vocal chords that may have been blessed by God, left no one among the assembled thinking that the message of the cantata was merely about the past.

GOMES'S CHURCH IS CALLED MEMORIAL Church, its walls incised with the names of Harvard's dead in the First World War and in the Second, in Korea and in Vietnam. I sat one day at the funeral of a faculty colleague and, this being a university, I was not the only one who wasn't fluent in the Christian devotions. In these circumstances, I usually bury my head in my hands in respectful impiety. Suddenly, however, from the choir rang the morally confronting hymn "Once to every man and nation comes the moment to decide," and, as if by instinct, I turned to scan the lists of those for whom governments had made mortal choices and who are remembered in this house of God, grouped alphabetically by class or by school under the war in which they had died. Under the Divinity School is listed Adolph Sanwald and then, adjacent, "enemy casualty." Though a bit jarred, I was not really shocked—or even offended. As the Jewish tradition teaches

for such moments, "Blessed be the righteous judge." I mean no untoward analogies: when the Municipality of Jerusalem, already under Israeli sovereignty, erected a monument to those who, in an invading army, fell fighting to make the whole city (and the territories beyond) wholly Arab, many Jews were outraged and no Arab deigned to notice the gesture in public. Yet the gesture was just. But, then, I do not think Ronald Reagan did any great wrong in going to Bitburg. After all, the soldiers interred there also had mothers and fathers, sisters, brothers, lovers, children; whatever guilt is to be imputed to these soldiers, and there is much, was also mixed with innocence and terror (and this may be true, too, for some of the forty-seven Waffen s.s. also buried there).



THERE WAS SOMETHING disconcertingly incomplete in the president's description of how General John Sha-

likashvili's "family fled in a cattle car westward to Germany in front of the Soviet advance." It now turns out that his father, Dmitri, had been a military officer who fought in the Polish army against Hitler's invasion of Poland (resistance that took all of a few days) but then joined two Nazi-organized units of exiles from Soviet Georgia, the last under the command of the Waffen s.s. Both battled the Allies in the West. In President Clinton's perpetual spinning of reality, he told us none of this, a missed opportunity to show how textured history actually is. Since, however, veterans of the s.s. were rightly barred from immigrating to the States, there are now the inevitable questions about whether the law was breached in this "only in America" story; those found to have lied in gaining entry can still be deported, and are. What does this have to do with the newly designated chairman of the Joint Chiefs? Exactly nothing: he seems to be one of those immigrant patriots whose love for America is enriched by his experience of other worlds. Yes, his father was stirred, as he wrote in his memoirs lodged at the Hoover Institution, by the "breed of daring, often quite unorthodox, officers of the s.s. who were keeping pace with changing times." Total quality genocide, so to speak. But, in northern Iraq, the son, by then a U.S. general, protected the Kurds from their tormentors through acts that were the very opposite of Nazism. Or, as it is written in Ezekiel 18:2-4, 20: "The children's teeth shall not be set on edge ... because the fathers have eaten sour grapes. ... A son shall not share the burden of a father's guilt."

MARTIN PERETZ

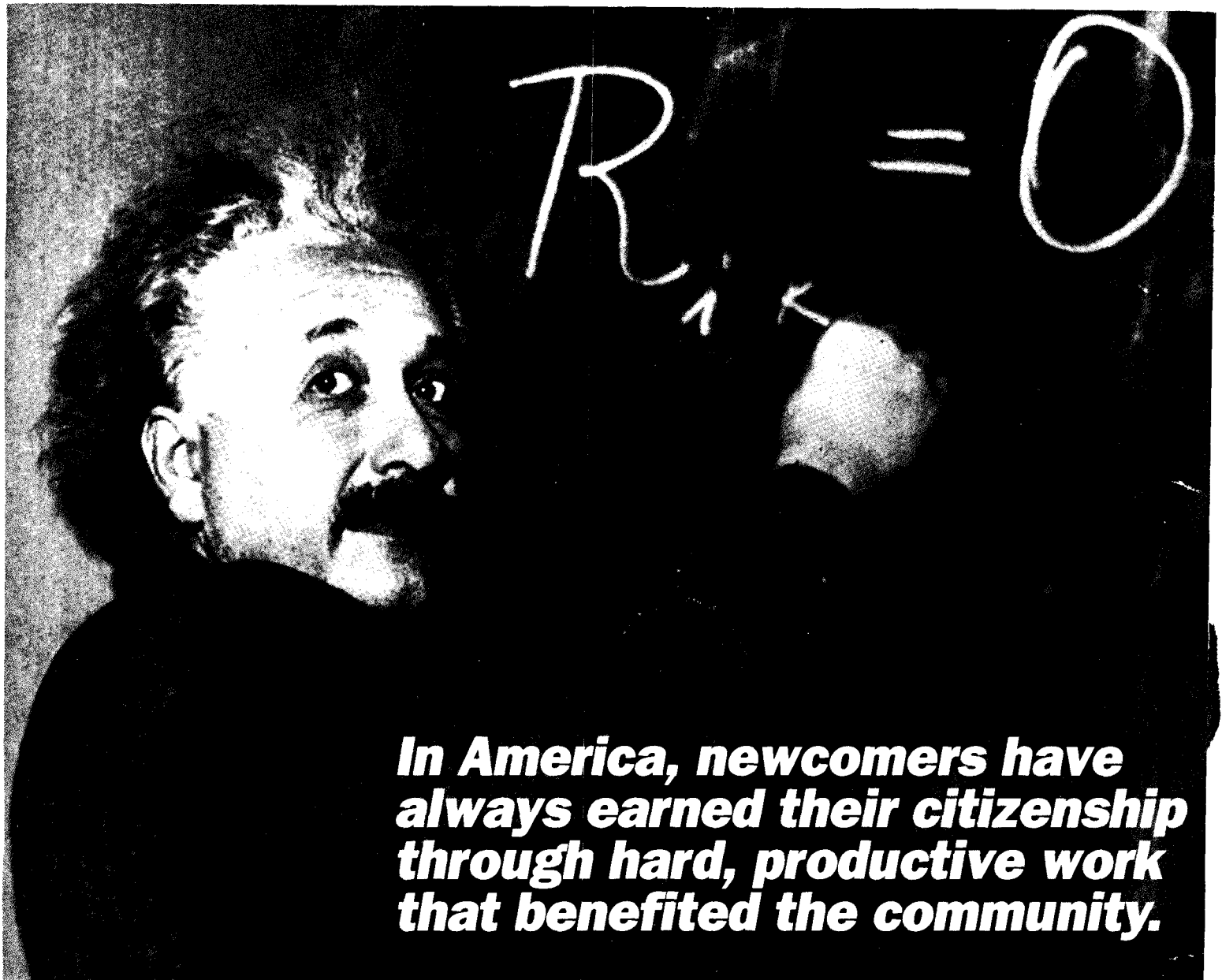
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